UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.367
27 April 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 367th MEETING

Held at Headquarters, New York,
on Friday, 23 January 1998 at 10 a.m.

Chairperson: Ms. KHAN

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Initial report of Azerbaijan (continued)

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98-80100 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Azerbaijan (continued) (CEDAW/C/AZE/1)

1. At the invitation of the Chairperson, Ms. Abdullazadeh (Azerbaijan) took a place at the Committee table.

2. Ms. ABDULLAZADEH (Azerbaijan), responding to questions and concerns raised by the Committee in connection with the initial report of Azerbaijan, said that Azerbaijan was a secular and rule-of-law State where there was no place for religious law or religious courts. Since freedom of conscience was enshrined in the country's Constitution, Azerbaijani citizens could practise whatever religion they chose.

3. All courts in Azerbaijan were subordinate to the Supreme Court. The Supreme Court had civil, criminal and military divisions, as well as a presidium and plenum. The civil and criminal divisions could also hear cases by way of cassation, whereas the presidium and plenum exercised a supervisory role. However, judicial reforms were currently under way in Azerbaijan which would create separate appellate structures. As explained in paragraph 53 of the initial report (CEDAW/C/AZE/1), the Constitutional Court had not yet come into existence. However, the Azerbaijani Parliament had recently adopted a law on establishing such a body, and final administrative details were currently being worked out. Until it came into existence, some of its powers were being exercised temporarily by the Supreme Court. Generally speaking, there was no point of law on which women were at a disadvantage before the courts compared to men, and equal numbers of men and women initiated legal proceedings in Azerbaijan.

4. As soon as Azerbaijan had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, newspapers and magazines had begun to publish both the text of the Convention itself and articles about its significance. The basic objective of special publications aimed at women was to provide information about women's rights, enhance legal literacy, and contribute to the formulation of national policy guidelines. The reason why a special committee dealing with women's affairs had been established only very recently was that the Government had initially wished to establish clear-cut structures to implement the provisions of the Beijing Declaration and Platform for Action. The new committee was intended as a coordination and oversight body.

5. The educational system in Azerbaijan was currently in a state of flux. In the public sector it was increasingly the case that only the very best students received an entirely free education. The privatization programme currently under way had not affected the health service directly; only certain pharmacies had been privatized.

6. Committee members had asked what interpretation was given to the word "discrimination" in legal documents in Azerbaijan. The working definition in use was that contained in article 1 of the Convention.

7. It was important to understand that Azerbaijan found itself in a very unusual situation in that one in seven of its inhabitants was a refugee. That fact obviously had an impact on all areas of State life. In that connection, she could only reiterate that Armenian withdrawal from Nagorny Karabakh was a fundamental precondition for the full implementation of the Convention.

8. Women in Azerbaijan enjoyed a high social, professional and cultural profile. A significant proportion of professionals were women. It was important not to forfeit the gains that had been made. At the same time, however, the national machinery for eliminating female stereotypes needed to be brought more into line with international norms.

9. It was important to understand that, de jure, no provision of Azerbaijani legislation contained an infringement of women's rights as defined by the Convention. Before the decision to exempt women from the death penalty, capital punishment had only been applied to women on very rare occasions. The President had recently proposed the complete abolition of the death penalty, a move which, she hoped, would be endorsed by the Azerbaijani Parliament. The law made no distinction between men and women in terms of the illegal production, trafficking or sale of drugs. Women were incarcerated separately from men, and there were special women-only clinics. Women who were found guilty of prostitution were sent to special closed hospitals to treat any diseases they might be suffering from. Alcoholism was not a widespread problem among Azerbaijani women and consequently no special programme had been instituted.

10. Azerbaijani women played an important role in the cultural life of the nation, and special festivals and events were regularly organized to develop their creative potential. However, it had proved more difficult to bring about the complete economic liberation of women. It might be possible for the Azerbaijani Government to implement the idea of a special women's bank or a microcredit scheme which would enable women to start small businesses or further develop their technical skills.

11. Concerning the protection of mothers and whether protective measures were discriminatory, current Azerbaijani legislation did not distinguish between men and women and was in compliance with the Convention. Under the Soviet system, however, there had been incentives for women with numerous children, intended to promote the role of women as mothers. Soviet policy concerning women had been discriminatory, since women had been obliged to expand their role in all spheres of society without relinquishing their family responsibilities.

12. While steps had been taken to change that policy, and to focus on women as individuals, women should not be deprived of the right to have as many children as they wished. What had become clear was that the higher women's status became, the less importance they placed on motherhood. It should be understood that there had been a long tradition of promoting motherhood, and that change would be a long-term process.

13. Regrettably, school programmes aimed at changing family attitudes in society were weak. While nurseries were being opened, programmes on women's issues and on how to eliminate gender stereotypes were being televised nationally, and women themselves were making arrangements for child care, many problems still remained.

14. In response to the concerns raised regarding the exploitation of women and prostitution, in 1995 there had been 26 prosecutions, 11 of which had resulted in a five-year prison sentence, while in 1996 9 people had been sentenced. There was no provision for compensation for victims of violence; the question required further consideration and study.

15. In relation to the role of women in political life, women's interest in political careers was very high as evidenced by the large number of women who had put themselves forward, with the support of parties and regions. Furthermore, 12 per cent of the members of Parliament were women, a figure that was very high compared to other countries in the region. It was also notable that women headed such important bodies as the commissions for energy and natural resources and the Ministry of Justice.

16. The State guaranteed free and compulsory secondary education, and provided various methods of completing it, including correspondence courses and night school. Women were more likely to continue their education beyond secondary school than men were, and the enrolment rate of young women in educational institutions was very high. There was a higher percentage of women in computer specialties, although men still outnumbered women in construction and as oil inspectors, despite measures to encourage women to enter those professions.

17. In March 1996 a special programme had been launched to increase access to family planning and reproductive health services, and in July 1997 a health-care law had been adopted. In addition, doctors had been trained in family planning and reproductive health and two specialized hospitals and programmes to study the implications of contraceptive methods were due to be established. Assistance with contraceptives was available under an emergency programme, but it was difficult to put the programme on a long-term basis.

18. While both infant and maternal mortality rates had been declining as a result of special emergency services for difficult labours in rural areas, problems persisted because of isolation and poor roads. As a result, there was a high percentage of home births. The overall budget allocation for hospital births was small, but training had been provided in regional hospitals in the poorest areas. Paid medical services had also been introduced in cooperation with UNICEF, which provided additional funds for unpaid health services for the poor.

19. Another important health problem was that abortion was still the main method of contraception. In that regard, the help of United Nations organizations in the form of funds and the provision of contraceptive devices was needed.

20. In relation to disease control, cases of polio had peaked in 1993, and no cases had been reported in 1994 or 1995. Diphtheria was a serious problem among

both children and adults. There had been 11,600 cases of first-time active tuberculosis in 1995 and 1996. Although in 1995 and 1996 there had been no cases of AIDS, in 1997 there had been 13 cases of AIDS and 14 cases of HIV infection, all involving foreigners. There was a very high percentage of disabled people in various segments of the population, many of whom were from Chernobyl or victims of the Armenian aggression against Azerbaijan. Approximately $13 million had been allocated to health care services, making it possible to increase the provision of free medical assistance for the population.

21. The agricultural sector was predominantly headed by women, so that the problems of rural women were directly related to the land problem. The National Assembly had adopted a programme in which land would be given to people in rural areas and credit provided to develop agriculture.

22. In response to a question concerning the retraction of World Bank and other assistance and its effect on women, in July 1997 a decree had been signed to provide compensation for those affected; teachers' salaries had also been raised.

23. With reference to women refugees, efforts by international humanitarian organizations and the Government of Azerbaijan had not been sufficient to help women make significant progress. Problems such as the provision of food and medical services still needed to be dealt with. The single most important step that could be taken to solve the problem of women refugees was the signing of a peace agreement.

24. Ms. CORTI said that she appreciated the speed and thoroughness with which the delegation of Azerbaijan had replied to the Committee's questions, particularly those relating to the division between religion and the State, and asked whether the Government's policies were similar to those of Atatürk's secularization of Turkey in 1923.

25. She was pleased that, as a result of the delegation's dialogue with the Committee, it planned to propose that the Government should set up a programme to make small business loans available to women. It was encouraging that 12 per cent of the members of the Azerbaijani Parliament were women; however, not only the percentage of women in Parliament, but what they were doing to benefit other women, was important. She hoped that the Government would move more quickly and actively to address the refugee problem and would encourage the continued involvement of civil society and non-governmental organizations (NGOs) in decision-making, particularly on women's issues. While she remained unconvinced by the Azerbaijani Government's concept of non-discriminatory policy, she recognized that States parties and the Committee would not always agree on such matters. Last, she hoped that the new Committee on Women's Affairs would work to introduce policies for gender equality based on the Convention and take steps to close the gap between the highly educated portion of the female population and other Azerbaijani women, although she realized that the refugee problem would complicate that task.

26. Ms. ACAR said that, as a Turk, she was well aware of the importance of a secular State and a firm legislative basis for the advancement of women and the

elimination of discrimination. By comparison with women of other States, those of Azerbaijan were well educated and highly motivated. However, such a situation could actually slow implementation of the Convention by masking indirect discrimination and de facto inequality.

27. The Soviet system had placed a double burden on women, who had been forced to shoulder heavy responsibilities in both the workplace and the home. In a number of successor States to the Soviet Union, that situation had resulted in a post-independence backlash which had led women to align themselves with conservative religious movements that had taken on new appeal, particularly under difficult social and economic conditions such as those resulting from the war with Armenia. If appropriate measures were not taken, such influences could spread insidiously and, in the end, undo all the progress which women had made. She encouraged the Government to promote cultural change and the increased political representation of women and to ensure that gender equality had a permanent place in the political agenda. The wide range of NGOs in Azerbaijan would be a valuable resource in that regard.

28. Ms. AOUIJ said that she hoped other States would follow Azerbaijan's example in abolishing the death penalty. She encouraged the Government to increase its cooperation with NGOs and to urge the media to foster modern attitudes. In developing countries, resources such as oil often caused more problems than they solved, but she hoped that profits from the petroleum industry would allow Azerbaijan to join the ranks of developed countries, particularly with regard to the advancement of women. Last, she assured the delegation that the Committee supported its request for United Nations Population Fund (UNFPA) assistance for the country's programmes and policies for women's health and family planning.

29. Ms. BUSTELO GARCIA del REAL asked for clarification of the delegation's statement concerning the sending of prostitutes to closed medical facilities.

30. Ms. ABDULLAZADEH (Azerbaijan) said that while pimps and brothel owners were subject to criminal prosecution, prostitutes were not punished under Azerbaijani law. However, women proven to have been involved in prostitution were sent to closed treatment centres for observation and, if necessary, treatment of infectious disease, after which they were released.

31. Ms. BUSTELO GARCIA del REAL said that it was difficult for Governments to comply with article 6 of the Convention in a non-discriminatory manner and that they sometimes lacked the will or the ability to take measures to protect the victims of trafficking in women. The Government's policy would appear to be discriminatory unless not only prostitutes, but also their clients, were subject to enforced medical supervision. Furthermore, trafficking in immigrant women was a particular concern of the European Commission. She hoped that the second periodic report of Azerbaijan would include information on national and international mechanisms for monitoring that situation and preventing the exploitation of illegal women immigrants to Azerbaijan and on the implementation of article 6 of the Convention.

32. The CHAIRPERSON said that Azerbaijan's ratification of the Convention without reservations and incorporation of the international instruments to which

it was a party into domestic law were impressive achievements for a newly independent country, particularly a Muslim one. However, as the Government had recognized, the de facto status of women remained far from satisfactory. While the Committee was aware of the problems that had resulted from the war with Armenia, it must be borne in mind that women were even more vulnerable under such conditions and should be given increased protection. She hoped that the Government would take into account the new role of women since the country's independence while ensuring that the benefits which they had enjoyed under the Soviet system were not lost. The fact that Azerbaijan was a secular State would assist the Government in its efforts to strengthen the legal system and social policy. However, the experience of her own country, Pakistan, had shown that, even under a secular system, religious conservatism could lead to discrimination against women. She hoped that the second periodic report would include information on the influence of religious leaders in Azerbaijan since that had proved a problem in other successor States to the Soviet Union.

33. It was disturbing that the level of poverty and infant and child mortality rates were higher in Azerbaijan than in many countries where a greater percentage of the population was illiterate. She wondered what temporary measures the Government was taking to ensure a better economic situation for women. The Government had established lending programmes in cooperation with the World Bank and the International Monetary Fund (IMF) and planned to set up a women's bank. It had been Pakistan's experience that, even under conditions of extreme poverty, not only women, but society as a whole, benefited from the existence of microcredit lending institutions such as the Grameen Bank, provided that no collateral for loans was required. It was important for Governments to recognize that sustained economic growth was more effective than welfare in preventing the marginalization of women.

34. She also noted that, despite a relatively highly educated population and numerous women medical professionals, the country had a very poor health care system. There was a need for better policies and greater governmental commitment in that area.

35. It was encouraging that women made up nearly 45 per cent of the Azerbaijani workforce and were relatively well represented in Parliament. Despite the country's war-ravaged economy, the Government had demonstrated its commitment to implementing the Convention. She hoped that the Committee's recommendations on the initial report of Azerbaijan would be widely disseminated and taken into account by the Government.

The meeting rose at 12.10 p.m.

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Eighteenth session

SUMMARY RECORD OF THE 368th MEETING

Held at Headquarters, New York,
on Friday, 23 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Croatia (continued)

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98-80106 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Croatia (continued) (CEDAW/C/CRO/1)

1. At the invitation of the Chairperson, Ms. Babić, Ms. Bortek-Knešaurek, Ms. Hrabrić, Ms. Karajković, Ms. Musulin and Ms. Šimonović, took places at the Committee table.

2. Ms. BABIĆ (Croatia), responding to questions about women's participation in political life, said that the initial report might have given the erroneous impression that women were under-represented in public and political life in Croatia. For the time being, no further data were available, but under the National Policy for the Promotion of Equality, the issue would be studied in cooperation with non-governmental organizations. Concerning the role of the media in promoting gender equality and activities for monitoring that role in the context of the Convention, she said that the situation had improved since the publication of the initial report. In educational programmes for youth and children, Croatian national radio and many private radio stations were addressing the issue within the context of the development of human rights and democracy and by comparison with various other European countries. Although the Government had no control over editorial policy, it supported such initiatives through its national machinery. She agreed that much remained to be done.

3. Concerning the elimination of stereotypes with regard to maternity protection, she said that the content of the initial report might have been misunderstood. Since more than 44 per cent of Croatian women were employed, legislation on maternity protection - which had been developed jointly with trade unions, whose membership included a large percentage of women - was very strong. However, current legislation also afforded protection to other persons of both sexes with family obligations. In any case, her Government would initiate a dialogue on the issue, based on the questions formulated by the Committee. In addition, the National Policy provided for the education and continuing education of women with a view to eliminating stereotypes in practice.

4. The Government did not have ethnically disaggregated data on social security, health care and welfare, since people were insured on the basis of employment, not ethnic background or national affiliation. At the insistence of the international community, it was now attempting to compile such data; however, in view of the special circumstances prevailing in Croatia, it was proceeding with caution.

5. No data were available on the participation of women in political parties and in the electoral system in general, including in the most recent elections. Croatia's electoral system had been based on proportional representation since the attainment of independence. All recent elections had resulted in a stable parliamentary majority with a sizable minority opposition, a balance which was crucial to the maintenance of stability in a country such as Croatia. Although

Croatia had had every reason to declare a state of emergency and suspend elections and the enjoyment of certain rights, it had not done so. The funding of election campaigns and the granting of leave from work to vote were designed to encourage both men and women to vote. The Government was open to a dialogue on how women's participation in the electoral system could be enhanced. Under the National Policy, a number of measures would be taken to compile statistics in that regard, which she hoped would be available by the time of Croatia's second periodic report.

6. Croatia had applied a quota system to the protection of minority rights, but with little success. While the general public did not support the use of quotas, the Government was open to suggestions in that regard.

7. Ms. ŠIMONOVIĆ (Croatia), responding to a request for more information on refugee and displaced women, said that the Convention applied to displaced persons and the Geneva Convention relating to the Status of Refugees applied to refugees. Under the Constitution, both instruments had higher status than national legislation. Croatia had also enacted a special law to protect the rights of refugees and displaced persons and had established an office which monitored their number and status. Such data were monitored systematically by the Office of the United Nations High Commissioner for Refugees and annual reports were sent to the United Nations. There were currently 287,000 displaced persons, refugees and returnees in Croatia; most of the refugees were from Bosnia and Herzegovina and most of the displaced persons were from Eastern Slavonia. Replying to a request for data on the organized accommodation of such persons, she said that they were living mainly in private accommodation, although some were still in holiday villages and apartments provided by the State.

8. Refugees and displaced persons received monthly allowances of 150 kune for rent and 100 kune per person for families without income. In addition, displaced persons, refugees and returnees comprising a separate category of persons with special needs (for example, the elderly and the sick) had been placed in special social welfare institutions. Data on refugees and displaced persons had not yet been collected; however, in 1994, gender-disaggregated data compiled in preparation for the Fourth World Conference on Women, had shown that 47 per cent of displaced persons were men and 53 per cent were women, while 41 per cent of refugees were men and 59 per cent were women. In view of that situation, the Government was inviting non-governmental organizations, which were very active in Croatia, to apply for funding for small-scale projects to assist refugees and returnees, while the Ministry of Reconstruction had launched a project for the reintegration of displaced persons in Croatian society.

9. With regard to women's organizations in Croatia, she said that, following the Fourth World Conference on Women, her Government had sought to establish better contacts with non-governmental organizations. Since the attainment of independence, women's organizations in Croatia had mushroomed. In cooperation with the United Nations Development Programme (UNDP), the Commission for Equality had contacted and compiled a register of more than 30 non-governmental organizations. In keeping with the Beijing Platform for Action, the Government was attempting to involve all sectors of civil society in the implementation of its National Policy for the Promotion of Equality, which had been formulated

with input from non-governmental organizations at every stage. Her delegation welcomed the Committee's decision to involve non-governmental organizations in its work, and, in particular, the presence of Croatian non-governmental organizations at the meeting.

10. Ms. BABIĆ (Croatia) said that no reliable gender-disaggregated data on poverty were available. Under the National Policy, infrastructure would be established for the compilation of such data. In 1993, the Government had promoted and implemented a special welfare programme for the poorest sectors of society, which included the granting of benefits and even the payment of rent and utility bills. By the end of October 1997, some 219,970 persons, equivalent to 4.6 per cent of the population, had benefited from that programme. Unemployed persons able to work accounted for 31 per cent of those beneficiaries; retired persons, 25 per cent; farmers, 5.3 per cent; and those who were unable to work, 23 per cent. Funding for the programme had been increased by 30 per cent in the 1998 budget. Moreover, under social welfare legislation which had become effective at the beginning of the year, 5 per cent of all local budgets must be earmarked for assistance to special groups, particularly the elderly. Thus far, $450 million kune had been spent on those target groups; a total of 1 billion kune was allocated to the programme. Poverty reduction was also being achieved through the peaceful reintegration of the Danube region. In 1997, more than 2,000 people, who had been at risk even before Croatia had taken control of the area, had been reintegrated in the social welfare system and the rights of old-age pensioners had been immediately recognized.

11. The social reintegration of women was a major concern of the Employment Office, which, between 1993 and 1996, had assisted 23,986 women. Within the framework of national employment policy, measures were being taken to improve economic development with a view to eliminating poverty. Data obtained from a recently completed survey of the workforce and a household income survey would form the basis for the further development of national employment policy. Lastly, many non-governmental organizations of self-employed and business women were cooperating with the Government in Croatia.

12. In response to the question whether the Commission for Equality was the only national machinery for the advancement of women, she stressed that membership of the Commission was very high-level. Although its budget was relatively small (approximately $50,000), that was sufficient to fund small-scale projects by non-governmental organizations. All government ministries worked with the Commission and allocated a portion of their budgets for projects designed to improve the situation of women. The Ministry of Labour and Social Welfare was supporting joint projects with non-governmental organizations for the protection of female victims of domestic violence and the establishment of shelters for them.

13. Ms. MUSULIN (Croatia), in response to the question whether Croatian legislation, with its strong emphasis on maternity protection, sufficiently covered non-mothers, stressed that maternity protection was only one aspect of a comprehensive social security system in which all women exercised all rights equally and had freedom of choice. If anything, strong maternity legislation,

which in Croatia was regulated by the Labour Law, ensured that women did not have to choose between work and family.

14. Replying to Ms. Ryel, she said that the right to special protection of mothers with children under the age of three, youth and the disabled was established in the Constitution. However, the relevant measures were non-binding and mothers were not required to take advantage of them.

15. Ms. BABIĆ (Croatia) said that the office of Ombudsman was a special institution reporting directly to Parliament. That position was currently filled by a woman. The Government was in favour of strengthening the role of the Ombudsman, but it had no plans to introduce a specific Ombudsman for women. A deputy Ombudsman had been appointed, however, with responsibility for women's rights and the rights of the child.

16. Ms. SIMONOVIĆ (Croatia) said that the national human rights machinery had in many cases incorporated a gender perspective into its activities, even though those activities were mainly set in the broader context of human rights. Women were indeed included in the term "citizen" in the Constitution and, in fact, in an amendment made in December 1997, the term "citizen" in article 114 had been replaced by "every person and citizen", in order to facilitate Croatia's ratification of the European Convention on Human Rights and bring the Constitution in line with the language used by the Council of Europe.

17. Replying to Ms. Abaka, she said that the Convention was not invoked directly before the national courts since its provisions were incorporated into Croatian legislation. Other international agreements had been invoked before the Constitutional Court, however.

18. Ms. BORTEK-KNEŠAUREK (Croatia) said that the non-governmental organization which monitored population movements was among the many which received government funding.

19. With regard to article 3 of the Convention, special care was taken to integrate women with special needs into the overall education, health and social services systems. Education, training and care for the disabled were available in both institutional and non-institutional settings. Students with special needs attended the national universities in significant numbers. The State institute dealing with the protection of the family, motherhood and youth cooperated closely with non-governmental organizations concerned with the needs of the disabled. Accessible building design and the removal of architectural barriers was one area where the Government saw a need for improvement. Lastly, a Government commission for people with special needs had been established in April 1997.

20. Ms. BABIĆ (Croatia) replying to a number of questions on the national machinery for women's rights and the development of civil society, said that the Commission for Equality had established an advisory body of non-governmental organizations, with which it had undertaken many joint projects for the development of civil society. The Government was aware that it had much to learn from such organizations and that the future of Croatian society must be based on consensus and cooperation.

21. With regard to article 7, the Commission for Equality had been in the process of being established at the time of the most recent elections, and thus had not played a role in the elections. The latest data from national sources and the United Nations indicated a modest advance in the participation of women in the electorate and in decision-making positions, but much more could be done.

22. Ms. SIMONOVIĆ (Croatia), referring to article 5, said that the Commission for Equality had established a programme for the abolition of gender stereotyping which included specific targets and time-frames. Six new measures had been introduced, in conjunction with the Ministry of Education and Sports and the Ministry of Science, establishing programmes in human rights education, equality in family life and civics education, among other areas.

23. Ms. KARAJKOVIĆ (Croatia) said that a 1995 government proposal provided for special assistance to families with four or more children. Under that proposal, either the mother or the father would be able to decide to stay at home and care for the children and would receive a government income subsidy. That was a matter of personal choice, however, and only the 42-day postpartum leave period would be mandatory. The proposed measures were awaiting final adoption, however, and had not begun to be implemented.

24. In answer to questions on domestic violence, she said that the Penal Law criminalized marital rape. The victim in such proceedings was represented ex officio by the State attorney, but under a recent change in the Law, proceedings could be instituted on the motion of the injured party. Stereotypes in that area were still strong, however, and legal remedies to the problem of domestic violence were still difficult to apply. A woman who had been forced out of her home retained all her property rights, although she might face urgent financial need. In some cases, non-governmental organizations provided assistance to women in crisis situations, while in others, women were aided through the recently established Centre for Social Welfare, which received funding from the State. Replying to Ms. Acar, she said that victims did not yet have the possibility of obtaining a restraining order against their abusers.

25. Ms. MUSULIN (Croatia), replying to questions on article 5, said that there was no specific group within the Commission for Equality which dealt with women's image in the mass media. Government policy sought to influence the overall climate with regard to equality, and that would, in turn, have an effect on the media. The Commission made use of the media to publicize its activities and to condemn violence against women.

26. The activities of non-governmental organizations were especially important because such organizations had direct contact with victims of violence. A mechanism was being set up whereby such organizations would share their expertise in that area with social workers. In addition, the observance of a national day to raise awareness of violence against women had received extensive media coverage.

27. Lastly, women's rights were part of the human rights education curriculum that was being introduced in schools.

28. Ms. KARAJKAVIĆ (Croatia) said that, according to the principle of neutrality, Croatian law drew no distinction between male and female crime victims. The judiciary was independent and autonomous, and each judge made the decision on aggravating circumstances for both women and men. It was assumed that all factors which made a woman's position in society more difficult than a man's would be taken into account. She agreed with several Committee members that the focus should be on the prevention of violence, and that punishment was only part of the solution.

29. The only criminal act that could be prosecuted in a civil case was the offence of minor bodily injury. In such cases, women usually qualified for free legal aid from either the Government or non-governmental organizations. The penalty for "intercourse by abuse of power" was imprisonment for a term of three months to three years; in its aggravated form, namely, where the victim was a child or a minor between 14 and 18 years of age, a five-year sentence could be imposed. A special penal provision covered the crime of incest, for which a penalty of either a fine or imprisonment was imposed.

30. Ms. BORTEK-KNEŠAUREK (Croatia) said that parents could choose to care for their children full-time; that was a matter of personal choice. Victims of domestic violence and rape were represented in court proceedings by State attorneys. Under the new Penal Law, women could opt for legal protection. If victims of domestic violence were forced to leave home, they did not lose their property rights or custody of their children. Non-governmental organizations provided such women with financial or material assistance. Victims of domestic violence were also assisted by social welfare agencies. No provision had been made under the law for restraining orders. However, the Ministry of Justice was looking into the possibility of introducing such a measure.

31. Ms. MUSULIN (Croatia) confirmed that there was no special group within the Commission for Equality which dealt specifically with the media. The Commission's long-term goal was to use the media as a vehicle for disseminating its activities, especially those relating to the elimination and condemnation of violence against women, and for promoting gender equality. Members of the Commission often appeared in the media to promote the fight against gender discrimination. The fact that there were many women professionals at even the highest levels was of considerable help in that endeavour.

32. In view of the special importance of the activities carried out by non-governmental organizations which were in direct contact with women victims of violence, the National Policy for the Promotion of Equality included an undertaking by the Commission to support all initiatives by women's groups and non-governmental organizations aimed at eliminating violence against women and disseminating information on the assistance available. To that end, it had been agreed that non-governmental organizations would share their expertise with social welfare services, and would set up jointly with those services, by June 1998 at the latest, programmes to assist women victims of violence.

33. Human rights education, including education on women's human rights, was being introduced into the curricula of schools throughout Croatia. The Ministry of Education and Sports and the Ministry of Science, together with the Commission for Equality and the National Commission for Human Rights Education,

were developing educational programmes on gender equality as part of human rights education.

34. Ms. KARAJKOVIĆ (Croatia) said that judges ruled on cases of violence against women on the basis of aggravating circumstances. She agreed that the focus should be on prevention, of which penalties and punishment were just one aspect. Proceedings in cases of marital rape were brought by State attorneys at the request of the injured party. Penalties for sexual abuse by an authority figure and aggravated abuse where the perpetrator was a teacher or parent, ranged from three months to three years in prison, or up to five years when the victim was a minor. Incest was regulated by article 198 of the Penal Law and was punishable by up to one year in prison. When the victim was a minor, the penalty was six months to five years' imprisonment; when the victim was a child, the penalty could be up to eight years in prison.

35. Ms. BORTEK-KNEŠAUREK (Croatia) said that, owing to the war and the special circumstances faced by Croatia in recent years, it had not been possible to develop a special network of shelters for battered women. However, in that regard, a large number of non-governmental organizations played a major role and the Government offered them as much financial assistance as possible. Since what the Government had done so far was not enough, the National Policy for the Promotion of Equality was now emphasizing the need for better cooperation between the Government and non-governmental organizations.

36. Ms. MUSULIN (Croatia), referring to article 10, said that there were no restrictions with regard to gender equality in the education system. Both sexes had the same curriculum and took the same examinations. Textbooks that stressed the traditional role of women had been changed at all levels of education. The Ministry of Education and Sports was to give both male and female primary and secondary school teachers training in gender awareness and gender discrimination.

37. Ms. SIMONOVIĆ (Croatia) said that the Programme on Protection and Help for the Victims of Maltreatment had been adopted in order to coordinate various forms of assistance, especially psychological and legal counselling and health care, for female refugees who had been victims of rape and violence. The issue of international adoptions had been raised following the widespread rape that had occurred during the war. However, since the number of women who had given birth as a result of those circumstances had been low, her Government and the Government of Bosnia and Herzegovina had restricted international adoption and given priority to Croatian or Bosnian nationals who wished to adopt. Women refugees had been given the option of putting up their children for adoption. The legislation of Bosnia and Herzegovina had been applied in cases of international adoption. Data for 1992 showed that 29 women whose pregnancies had been the result of rape had undergone abortions in Zagreb hospitals. The National Policy for the Promotion of Equality provided for non-governmental organizations to collect data on women who had been the victims of violence during the war.

38. Ms. BORTEK-KNEŠAUREK (Croatia) said that cooperation between the Government and non-governmental organizations should be expanded in order to better assist

victims of rape and violence, as envisaged under the National Policy for the Promotion of Equality.

39. Ms. SIMONOVIĆ (Croatia) acknowledged that a considerable number of women refugees and internally displaced persons had been exposed to various forms of abuse on the part of the armed forces during the armed conflict. However, since the end of the conflict, no cases of systematic abuse of women had been reported. Croatia was now taking care of 287,000 returnees, displaced persons and refugees, the latter mainly from Bosnia and Herzegovina. The human rights situation in her country was being monitored systematically by the United Nations. A number of incidents of violence against returning refugees had been recorded, but they had been isolated cases to which the Croatian authorities had responded immediately by apprehending and punishing the perpetrators. The large number of missing persons in Croatia remained a major problem. Thus far, efforts to determine the fate of missing family members had been unsuccessful.

40. Ms. KARAJKOVIĆ (Croatia) said that, under the new Penal Law, grievous bodily harm cases were prosecuted by the State attorney at the request of the injured party. Under article 99, paragraph 1, the prison term for offenders had been amended from up to six months to between three months and three years. That was because the Penal Law had been updated in response to suggestions made by the Council of Europe. In cases of minor bodily harm where proceedings were brought at the request of the injured party, the latter could either be represented by a non-governmental organization or could seek free legal assistance under the so-called "poverty law".

41. Ms. BORTEK-KNEŠAUREK (Croatia) said that, for the first time since 1986, a positive birth rate had been recorded. It was understandable that the Government had taken measures to boost the birth rate, but women were free to accept or reject those measures. Parents had an equal right to be involved in their children's upbringing.

42. Ms. BABIĆ (Croatia) said that the report, the oral presentation and the composition of the Croatian delegation to the Committee demonstrated her Government's political will to eliminate gender stereotypes. The Government would investigate allegations that pressure had been put on women workers to sign contracts pledging not to become pregnant for five years following their recruitment. Any such contract was invalid under the Labour Law. The Government in cooperation with trade unions, would try to establish mechanisms to protect women in that regard. If such cases were brought before the courts, both non-governmental organizations and trade unions could represent the women involved.

43. Ms. KARAJKOVIĆ (Croatia) said that women probably did not report all sex crimes because of the social stigma involved. That was a matter which needed to be addressed, but the stigma was gradually disappearing as an increasing number of women reported such crimes. The classification of sex crimes as gender-neutral was based on the Council of Europe model.

44. With regard to article 6, traffic in women was punishable under articles 177 and 178 of the new Penal Law. The penalty for transboundary illegal traffic in one or more persons was a fine or up to one year in prison. In its

aggravated form, the crime carried a prison sentence of six months to five years. The penalty for international prostitution was three months to one year in prison, and one to 10 years in prison when it involved a minor, even if the perpetrator had no prior criminal record. Procurement for purposes of prostitution was punishable, under article 195 of the Penal Law, by a fine or up to one year in prison. Coercion or force increased the sentence to up to three years, while cases involving a minor or a child carried a prison sentence of up to 10 years.

45. Rape of prostitutes was not covered by the provisions on criminal rape. The Ministry of the Interior monitored the traffic in women, with assistance from INTERPOL. Non-governmental organizations were also active in that area. Prostitutes seeking to abandon the profession could request assistance from the police and obtain free advice from non-governmental organizations and the authorities. The Government was helping to fund non-governmental organizations working in that area; the Commission for Equality would continue to develop such cooperation and to promote mechanisms that would assist such women in their fight against discrimination. No reliable statistical data were available on the traffic in women, but such data would be gathered and maintained from 1998 onwards.

46. Of the 25 judges on the Supreme Court, 10 were women. In 1997, 39 per cent of all lawyers (627 out of a total of 2,133) had been women, and five of the 30 members of the Bar Council's Managing Board had been women. The percentage of female State attorneys in 1997 had been as follows: 52 per cent at the municipal level, 35.5 per cent at the county level and 42 per cent at the State level.

47. Ms. MUSULIN (Croatia), referring to article 7, said that there were no specific programmes to educate women for leadership roles in political life in general or at the grass-roots level in particular. However, civic education in schools provided a good grounding in the rights, responsibilities and opportunities that existed in that area. The Government would consider the recommendations made by the Committee on that matter and the possibility of developing such programmes.

48. Women were heavily involved in all trade union activities, because of the high participation of women (40 per cent) in the workforce. Croatia was also a party to the relevant International Labour Organization (ILO) conventions. Women held high leadership positions at all levels of the trade union movement. They were also involved in tripartite labour bodies at all levels. The entire labour sphere in Croatia was dominated by women, and the Deputy Minister for Labour and Social Welfare was a woman. Trade unions also cooperated with non-governmental organizations concerned with the advancement of women. For all those reasons, she saw no need to implement any special measures to increase women's participation in the trade union movement.

49. Ms. BABIĆ (Croatia) said that, without any serious research, her delegation could only speculate as to why women apparently failed to make sufficient use of the opportunities open to them. The legislation granting special privileges to women who bore a certain number of children was really meant to help people with family obligations. Croatia was not unique in that regard. Through the Council

of Europe, her Government was trying to find out why there had been a decline in the participation of women in public life.

50. Ms. MUSULIN, referring to article 10, said that measures to increase the number of female school principals were included in the National Policy for the Promotion of Equality. The Ministry of Education and Sports, in cooperation with school principals, associations and trade unions, had undertaken to introduce measures within two years to achieve an appropriate proportion of women principals and to keep the Commission for Equality regularly informed about appointments of principals as to gender. Educational advisers had to have a university degree and teaching experience in their field and were appointed by the Ministry of Education and Sports. The Minister for Education and Sports was the only female minister in the Government. In the report, a table showing the number of male and female university lecturers had been left out. Of 6,073 university lecturers, 2,138 were women; although there were no data on the subject which they taught, they were working in all faculties and fields.

51. The Commission for Equality felt that the changes made to textbooks to remove stereotypes (para. 46) had not been sufficient. The Ministry of Education and Sports had been given the task of developing new curricula and textbooks to promote gender equality and encourage their use, in cooperation with publishers, teachers and parents.

52. Women's studies as such had not been introduced in schools, but the Government might consider introducing that subject as an elective. An independent body, the Institute for Women's Studies, was cooperating with the Commission for Equality.

53. Ms. BABIĆ (Croatia) said that the removal of stereotypes from children's books was not under the direct jurisdiction of the Ministry of Education and Sports. However, through incentives and subsidies, the Government could influence editorial policy. The Ministry of Culture had allocated funds for that purpose.

54. Ms. BORTEK-KNEŠAUREK (Croatia) said that there was no illiteracy in Croatia, because everyone had the same rights and obligations with regard to education. The entire nation was literate, including people living in the remotest rural areas.

55. Ms. MUSULIN (Croatia), referring to article 11, said that women made up about 44 per cent of the total active workforce. No data were compiled on part-time employment. There was legal provision for part-time workers, however, and they had the same rights as full-time workers. Both women and men had the right to work part time, but that right stemmed from the right to protection of certain categories of workers, such as the disabled. Such persons worked half the normal working hours, and received pay for the hours worked and compensation for the remaining hours. The Labour Law did not allow for the possibility of working without a contract, so there were no data on work performed by women in the home; the data on self-employed women did not distinguish between work done in the home and that done outside.

56. On the question of programmes to assist unemployed women, Croatia was a party to ILO Convention No. 122 and was taking active measures to promote employment. According to data from the Employment Office, in 1996, about 30 per cent of beneficiaries, or 23,986 persons, had been women.

57. Under article 82 of the new Labour Law of 1995, employers were required to pay equal pay for work of equal value. The Commission for Equality, in conjunction with trade unions, had undertaken to investigate the system of employment over the next three years and to establish what constituted work of equal value.

58. The ban on overtime and night work for women workers with children under the age of two pertained to the old law, which had been concerned mainly with heavy industry. As had been mentioned in the oral report, there was now a new Law on Protection at Work, under which all sectors other than heavy industry, including the health care industry, were exempted from the ban. The new Law had been drawn up with the agreement of trade unions and other social partners, which would have to be consulted if any amendments were made. The purpose of the Law was to protect women with family responsibilities who could not fulfil their contractual obligations because they were unable to work at night. Women had to be adequately paid for night work and given proper protection when working at night. Overtime of more than 10 hours a day was prohibited for all workers, not just women. Pregnant women, women with children under the age of two and single mothers with children under the age of three could be exempted from overtime and night work, at their express request; overtime and night work were therefore left to their discretion. All workers working at night were protected by collective labour agreements, with the result that women and men were protected equally and there was no patriarchal mechanism involved.

59. Ms. HRABRIĆ (Croatia), referring to article 12, said that since the report had been prepared, the principle of equal funding for health care in the entire territory had been implemented. The organization of preventive health care had been improved through the establishment of the Institute of Public Health, and environmental protection, health and nutrition had been strengthened. Centres for particular diseases, such as HIV/AIDS, diabetes and tuberculosis, had been set up. The programme "Health for all by the year 2000" had been instituted; its goals would contribute to the overall advancement and improvement of health care.

60. The health care system was part of the social welfare system and was financed by contributions from insured persons, plus additional funds from county budgets in the case of people over the age of 65. The system of compulsory health insurance covered almost the entire population and access to the insurance system was open to everyone, whether employed, retired, unemployed, a family member of an insured person or a person at risk. All insured persons were entitled to receive primary, specialized and hospital care, as well as dental and pharmaceutical services. Approved drugs were available free of charge. Because of the war and financial problems, funding had been cut by half, from about US$ 2 billion to about US$ 1 billion. Naturally, that had led to a rationalization of the health care system; the list of drugs provided free of charge had been reduced, although drugs for serious diseases were still

free. Oral contraceptives were free when prescribed for hormone therapy, and abortion was funded when medically justified.

61. There were no separate categories of insurance for men and women because the system of compulsory health insurance covered almost the entire population of Croatia. Thus, it was not possible to provide statistics on the number of women not covered by insurance. There was no difference between men and women in terms of how the status of insured persons was acquired; either spouse could acquire that status through the other spouse. All rights to health care applied to all insured persons; the standard was exactly the same for everyone.

62. Unfortunately, the Law on Health Insurance did not provide for leave for taking care of elderly persons. It did provide for the right to care for a child in the same household or for a spouse; in the case of children, the duration of the leave was determined by the age of the child. For a child up to the age of seven, leave of 12 to 30 working days could be taken, depending on an assessment by a medical practitioner. For a spouse, or a child over the age of seven, the allowance was 6 to 14 working days. Recent changes to the Law had increased the leave allowance for children under the age of 18 beyond 14 days. There were other mechanisms for the protection of the elderly.

63. Ms. BABIĆ said that, according to the 1991 census, some 13.1 per cent of the population were over 65 years of age; life expectancy for women was 75.8 years, compared with 68.2 years for men. The population over the age of 65 was 34.3 per cent male and 65.7 per cent female. Since an increase in the number of elderly women was anticipated, they would need special support and assistance. There was a very high level of institutional and non-institutional care for the elderly. Almost 80 per cent of people in retirement homes were women; the Ministry of Social Welfare subsidized those institutions. As a result of the war, many elderly people had lost the support of family members who had been killed or disabled. The Government was paying special attention to the subject. Although there was no compensation for persons taking leave to look after elderly family members, certain benefits available, including subsidies for nursing services. The Government would give serious consideration to providing special benefits to family members or third parties who took care of elderly persons; such services also provided job opportunities.

64. Ms. HRABRIĆ (Croatia) said that displaced persons and refugees were fully insured. Refugees received emergency health care, encompassing a wide range of medical services.

65. According to information from the Institute of Public Health, the leading causes of death for both men and women were diseases of the circulatory system and malignant neoplasms. In women, circulatory diseases accounted for 50 per cent of deaths, and malignancies, 17.3 per cent.

66. Between 1986 and 1996, only 108 cases of AIDS had been registered, involving 17 women and 91 men. Of that number, 66 had died, but that figure was not gender-disaggregated.

67. Women's health services were available throughout Croatia. They were organized at the primary level, where, according to the most recent data, there were 171 full-time and 32 part-time medical teams, with specialists in gynaecology and nursing. Treatment and preventive services were available, especially in relation to pregnancy and family planning. In 1996, there had been 76,760 visits to such services, and there had been 52,896 prescriptions for oral contraceptives. An abortion cost about US$ 170. Oral contraceptives were free when prescribed as hormone therapy; intra-uterine devices cost about $20 and diaphragms about $25. According to data from the Institute of Public Health, there had been 19,643 abortions in 1996, of which 12,339 had been legally induced abortions; the figures were the lowest recorded. As to changes in the abortion law, the 1976 law was still in force; a new law was being formulated, which would be based on the same principles and would include provision for mandatory counselling before the termination of pregnancy. Cases of doctors refusing to perform abortions on moral grounds were few and far between; the most recent case had occurred over a year previously, in Split. The Ministry of Health had acted very quickly and had warned the hospital concerned that it must provide all forms of gynaecological services, including abortion, or risk losing its status.

68. All women had access to gynaecological care, because medical insurance was available to everyone. Medically induced abortions and infertility treatment were funded under the health insurance system, but there were no reliable data on the level of funding. Women were entitled to three courses of infertility treatment; about 2,000 women a year received such treatment.

69. Ms. BORTEK-KNEŠAUREK said that, on the question of medical research, she could mention two projects which were currently underway, one on the protection of the reproductive health of female students, which was being carried out at all universities, and one on self-examination for the early detection of breast cancer, which was being conducted in conjunction with the media. There was a great deal of cooperation between the Government and non-governmental organizations in the implementation of health research programmes, and local government and administrative bodies were also allocating funds to assist in the implementation of such programmes.

70. There were no reliable data on teenage pregnancy, although there were data on teenage abortions: in 1996, there had been 7 abortions in the 13-14 age group, 83 abortions (0.42 per cent of pregnancies) in the 15-16 age group, and 892 abortions (4.52 per cent of pregnancies) in the 17-19 age group. On the question of confidentiality, since abortion was minor surgery, the doctor was obliged to ask for informed consent from the patient, and in the case of a minor, consent had to be given by a parent or guardian.

71. With regard to substance abuse, according to data from 1994, in that year the ratio of male addicts to female addicts had been 5 to 1; the total number of drug addicts had been 6,000, including 3,500 addicts to "recreational" drugs and about 300 cocaine addicts. The data for 1997 showed an increase to about 8,000 addicts; however, persons registered as addicts were those who had sought help or had been apprehended for criminal activities. There was a government body, the Commission for the Prevention and Elimination of Addiction, about 60 per cent of whose members were women. There were no reliable data on alcohol

abuse and smoking, but far fewer women than men were involved; however, over the past 10 years there had been a significant increase in the number of women alcoholics. There was very good cooperation between the Government and non-governmental organizations in that regard.

72. Ms. BABIĆ, referring to article 14, said that there were no specific data on rural women; however, the Commission for Equality was not satisfied with the scope of activities to promote the economic independence of rural women. Some very good programmes had been implemented recently, for instance through the Ministry of Agriculture, but the gender perspective had not been sufficiently included. Rural women were no different from other women in terms of social welfare and health.

73. Ms. BORTEK-KNEŠAUREK, referring to article 16, said that counselling in the area of family relations was available free of charge in social welfare centres. Many non-governmental organizations and religious groups provided counselling services to women and men. There were also courses and seminars, and non-governmental organizations played a very important role in dealing with such issues. City and provincial authorities were active in voluntary activities in that regard. However, much remained to be done to improve the work being done in the area of family relations and to advance the status of women.

74. Ms. BABIĆ said that the Committee's questions would encourage her Government to give further attention to the rights of women. It would never be fully satisfied and would always try to do better; there was a strong desire on the part of the Government and the general public in Croatia to contribute to the overall development of civil society, especially in respect of human rights and the rights of women.

The meeting rose at 5.55 p.m.

UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.369
8 June 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 369th MEETING

Held at Headquarters, New York,
on Monday, 26 January 1998, at 10 a.m.

Chairperson: Ms. KHAN

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98-80112 (E)

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Czech Republic (CEDAW/C/CZE/1)

1. At the invitation of the Chairperson, Ms. Hejna and Ms. Jerabkova (Czech Republic) took places at the Committee table.

2. Ms. HEJNA (Czech Republic) said that the delegation would outline the most important changes which had taken place in the field of the protection of women's rights since 1993-1994, the period covered by her country's initial report.

3. Ms. JERABKOVA (Czech Republic) said that, since 1989, the former Czechoslovakia had undergone radical social, political and economic changes, including the restoration of parliamentary democracy and the return to a market economy. The experience of recent years had shown, however, that the formal economic, social and political emancipation of women without adequate compensation in other spheres of their lives did not lead to equality. The national machinery for promoting the equality of women was therefore aimed at creating an environment in which the problems and interests of individuals could be addressed within their respective communities through greater emphasis on individual responsibility.

4. In keeping with its gradual integration into democratic international economic and social structures, the Czech Republic had ratified a number of International Labour Organization conventions on employment and the working conditions of women. The Government viewed the interests, needs and problems of women mainly within the context of the family and certain legislative provisions took into account not only the different physical abilities of women but also their irreplaceable maternal role.

5. The amendment to Law No. 1/1991 on employment marked an important step forward in ending discrimination against women. The amendment provided that a person caring for a child below the age of three or for a seriously handicapped child below the age of eighteen qualified for all social insurance benefits just as if that person were employed. Employment offices were also obliged to pay increased attention to the placement of difficult-to-place unemployed persons, including pregnant women and women caring for children or for family members with serious long-term disabilities. The experience gained from the implementation of the Policy of Active Labour Market Implementation Fund (PALMIF) had shown that the professional training provided to job seekers, including women on maternity leave, housewives and women caring for young children or disabled minors, was an effective employment policy tool. In addition, the increase in the maximum unemployment benefit had attenuated the direct social impact of the higher unemployment rate among women.

6. Proposed amendments to Law No. 1/1992 on wages and to Law No. 143/1992 on salaries would also provide increased protection to all employees in cases of

actual or suspected discrimination on the ground of sex. The legislative amendments would make it possible to prosecute any violation of the principle of equal pay for equal work or for work of equal value.

7. Law No. 155/1995 on pension insurance had changed a static system of pension insurance into a dynamic one capable of reacting to changing economic conditions. While conditions of participation were the same for men and women, different retirement ages were provided for. With effect from 2006, the retirement age for men would be 62 years and for childless women 61 years. The retirement age for women would be reduced to 57 years, depending on the number of children they had raised. The age at which widowed persons were entitled to receive pensions had also been changed, with widows receiving their pensions at age 55 or upon retirement, if sooner, and widowers receiving theirs at age 58 or upon retirement, if sooner. In the field of health insurance, child benefits, death allowances and maternity grants had been removed from health insurance and transferred to the State social security system. Women enjoyed a wider range of benefits than men, because of childbirth.

8. In 1995, a new Law on State social support had unified State social security payments and benefits for families with children under a single system, with the State assuming responsibility for those benefits which had previously been paid by the health insurance system. The State not only provided subsidized care for handicapped children but also employment for the mothers of such children. Persons of either sex who tended to sick family members were entitled to special allowances. Women were also entitled to special grants for each child, provided that certain conditions were met.

9. With regard to the development of civic society, there were a number of civic associations and foundations in the Czech Republic whose activities focused specifically on women's issues, such as domestic violence against women and women as victims of criminal acts. Other civic associations or non-governmental organizations had a wider platform of women's rights in their programmes.

10. In the field of education, there was a new approach based on respect for the biological and mental differences between the sexes. All pupils from the primary level were taught about human rights, family education, sex education and personal safety as part of their civic education. Boys and girls were also acquainted with the biological and other needs of members of the opposite sex so that they would be more likely to treat them with respect, empathy and sensitivity.

11. With regard to the socio-economic factors that influenced the position of women in society, it was noteworthy that nearly half of all university-educated women were employed in education. Women represented 100 per cent of kindergarten teachers and 84 per cent of primary school teachers. Moreover, while only about 35 per cent of university teachers were female, women were replacing men at an accelerating rate. It was fair to state, however, that as the level of education increased, the percentage of women represented in the teaching profession declined. Female teachers at all levels usually had little motivation for giving above-standard performances, because of a number of

objective factors, including the persistence of prejudice concerning women's intelligence or their suitability for certain positions.

12. There had been no illiteracy in the Czech Republic for a long time, since compulsory primary schooling had been introduced for both sexes as early as the second half of the eighteenth century. During the 1996/1997 school year, 97 per cent of the population aged 6-14 years had attended primary school. Girls accounted for 52 per cent of the total number of pupils in secondary schools, 97 per cent in nursing schools and 94 per cent in teacher training schools. Only 16.5 per cent of the female population, however, attended university, where they specialized mainly in medicine and the social sciences. Only 24 per cent of women studied technical subjects.

13. Pre-school education in kindergartens had a long tradition in the Czech Republic and currently offered educational programmes that were based on various philosophical movements. During the 1995/96 academic year, almost 91 per cent of all pre-school children had been enrolled in kindergartens. School facilities constituted a support system which provided social services for families, including school meals, after-school facilities for recreational activities and educational counselling services. Legislation had also been enacted in 1991 to provide care in school facilities for pregnant minors.

14. In the field of health care, Law No. 261/97 specified those jobs and workplaces from which all women and young persons were prohibited. Draft legislation was also being prepared to protect the health of workers and to limit negative factors in the working environment.

15. With regard to HIV/AIDS programmes, all pregnant women were encouraged to be tested for HIV/AIDS and, as at 31 December 1996, a total of 969,554 pregnant women had been examined, of whom 17 had been found to have AIDS. A separate part of the national AIDS programme focused on the prevention of the disease among prostitutes.

16. In 1997, six women's health projects had been established, to provide communication training for nurses, decrease the risk of premature births through exercise, inform future mothers of the harmful effects of smoking, help pregnant women and mothers with young children in difficult family situations, encourage habits to prevent cancer, and provide information on family planning.

17. Increased attention had been paid to the protection of women in connection with prostitution and illegal migration. Procuring, but not prostitution, was a criminal offence. While street prostitution had declined considerably, organized prostitution, offering "highly lucrative" jobs abroad, continued to finance the activities of international criminal gangs. In that connection, her Government had set up a special unit for the detection of organized crime. The unit cooperated at the national level with government bodies and non-governmental organizations dealing with violence against women. At the international level, it cooperated with Austria, Belgium, the Netherlands, the United Kingdom and Slovakia.

18. The Czech legal system was based on the principle of the uniform and equal protection of men and women's rights. With effect from 1 January 1998,

financial assistance was provided to crime victims. Discussions were being held at both the governmental and non-governmental levels on providing more effective legal aid for men and women, especially representation by a lawyer in all criminal proceedings.

19. Ms. ACAR commended the Government of the Czech Republic on its achievements in education, its comprehensive health coverage and the de jure equality of men and women. However, she was concerned by the Government's emphasis on women as mothers and caregivers. While special measures to protect women as mothers were commendable, they could lead to other objectives being ignored. Support for women as mothers should be balanced by encouragement of their participation in all spheres.

20. Ms. FERRER said that she was also concerned by the report's emphasis on the role of women as mothers and caregivers. She wished to know what was meant by the reference in paragraph 62 of the report to the "social (...) roles of both sexes". She asked what the "physical abilities of women", referred to in paragraph 82, were, and if they were defined in any law. She also asked which jobs were prohibited to women, and requested further information on men's role in society and on the amendment to the Family Law. Lastly, she asked if governmental machinery had been set up to implement the Beijing Platform for Action.

21. Ms. Yung-Chung KIM said that she would have liked to have seen more detailed information on and an analysis of the socio-economic situation of the country. She wished to know how women had been affected by the dramatic changes that had taken place in the Czech Republic and she was particularly interested in the status and role of women in Czech society. She also wished to know if national machinery had been established for the implementation of the Beijing Platform for Action. Lastly, she requested information on women's organizations and their involvement in the implementation of the Platform and the drafting of the report.

22. Ms. ABAKA commended the Government of the Czech Republic for withdrawing its reservations to article 29 and hoped that it would also adopt the forthcoming optional protocol. She expressed her concern at the high rate of divorce. She then asked if minority ethnic groups and non-governmental organizations had been involved in drafting the report or if they had been given information concerning it. She also wished to know if the Government had been represented at the Beijing Conference and why the report included no information on the Platform for Action or on any national machinery that might be in place for its implementation.

23. Ms. CORTI said that she wished to commend the Government on the peaceful establishment of democracy. As a victim of human rights violations, the first Czech President had become a champion of human rights throughout Europe and the world, a status reflected in the Constitution, political parties and non-governmental organizations of the Czech Republic.

24. She asked for clarification of the apparent lack of any clear legal definition of discrimination. She wished to know what the Czech Republic was doing to address the problem of gender stereotypes. She requested additional

information on how the radical change in the country had affected the situation of women. She also wished to know what was being done to encourage women's participation in political life and decision-making processes.

25. Ms. SHALEV said that the report implied that the position of women in Czech society was largely a matter of individual choice, but it seemed to her that there were structural patterns in the Czech Republic which determined women's status, namely the under-representation of women in politics, the gap between men and women in terms of economic status, and the lack of specific legislation to eliminate violence against women. Coupled with the fact that there was no government agency for the advancement of women, the structural deficiencies she had alluded to indicated a failure on the part of the Government to assume responsibility for the status of women in society.

Article 2

26. Ms. FERRER asked for additional information about the manner in which women's rights were protected in the courts. More details should be provided about women's use of the courts and how their complaints were dealt with. Specifically, statistics on cases involving sex discrimination should be supplied.

27. Ms. CORTI said that she would appreciate more information about family law in the Czech Republic, and specifically whether it had been reformed since the transition to democracy. Paragraph 52 of the report noted that citizens were entitled to compensation for damage caused by an unlawful decision of a court or through wrong official procedure. Details should be provided about such cases. It was unclear whether international human rights instruments such as the Convention were superior to national law. The reporting State should also clarify whether the Convention had ever been invoked in the Czech courts, and if so, for what reason. The Committee would welcome any indication that the Czech Government had availed itself of United Nations assistance in drafting legislation with a gender perspective. Finally, it appeared that no amendments had been made to Czech law in the light of the Beijing Conference; in that regard, the reporting State should indicate whether there were plans to address the issue of violence against women.

28. Ms. RYEL noted that the Czech legal system was based on the principle of equal rights and opportunities for both sexes. Laws were essential to protect rights and ensure de jure equality, but attitudes and stereotypes needed to be challenged to ensure de facto equality. In order to bring about de facto equality, national machinery for the advancement of women was essential. The reporting State should share its plans for such machinery with the Committee.

Article 3

29. Ms. OUEDRAOGO said that the key question facing the Czech authorities was how to ensure that women's rights were taken into account by all ministries in the absence of national machinery for the advancement of women. The Government should also address the issue of how to integrate non-governmental organizations into such a process. It was not enough to talk about plans and programmes; the

Committee needed to see evidence of cross-cutting strategies and quantifiable goals.

30. Ms. CORTI said that she was concerned that many of the issues which would normally be dealt with by national machinery had been given a criminal slant by placing them under the jurisdiction of the National Committee for Crime Prevention, as mentioned in paragraph 75 of the report.

31. Ms. JAVATE DE DIOS said she regretted the fact that Czech law contained no specific definition of sex discrimination. By the same token, full empowerment of women would remain impossible without national mechanisms for their advancement. Future reports needed to focus around properly funded machinery with a clear structure and specific mandate. The establishment of national machinery was important evidence of a Government's political will.

32. The Committee appreciated that, under the Communist regime, women had often been forced to participate in economic and political life against their will in order to fulfil fixed quotas. Nevertheless, it was a matter of some concern that the pendulum seemed to have swung too far in the opposite direction, with women retreating into family life to an excessive degree. The fact that the Government sanctioned such an outlook was also unfortunate. Conditions needed to be created that would enable non-governmental organizations and civil society to encourage the all-round development of women. In the same connection, she was concerned that care of children and the disabled was provided exclusively by women in the Czech Republic.

33. The Committee would be grateful for more sex-disaggregated data regarding the impact of economic changes on women. The Government should take steps to ensure that women did not bear the brunt of its economic reforms.

Article 4

34. Ms. ABAKA said that she was concerned by the statement in paragraph 82 that Czech legislation contained no provisions guaranteeing preferential treatment for men and denying rights to women, although certain provisions did take account of the physical abilities of women and the requirements of their irreplaceable maternal role. Such wording constituted indirect or hidden discrimination on the basis of "physical abilities" or "biology".

Article 5

35. Ms. Yung-Chung KIM noted that, despite the increasingly frequent use of contraceptives, the Czech Republic had the highest rate of induced abortion in Europe. She asked whether the programmes mentioned in paragraphs 89 and 90 of the report were offered through formal or informal channels, how they were carried out, who taught them and how effective they had been.

36. She wondered what additional measures the Government planned to adopt in order to combat the stereotypical roles of women and what the media were doing to enhance the image of women and counter prejudice against them.

37. Ms. RYEL said that she shared the concern at the emphasis on women as mothers in Czech society.

38. The report included little information on domestic violence. She wondered what statistics on that problem were available, whether the Government planned to adopt measures to address it and whether shelters, crisis centres and free legal assistance were available to the victims. Since any effort to reduce domestic violence must also focus on men, she asked whether training courses or other programmes were available for offenders.

39. The report stated that the retirement age for women was lower than that for men and varied according to how many children a woman had had. She asked whether women had a right to retire at the same age as men if they chose to do so; if not, the measure would appear discriminatory, particularly as women typically lived longer than men.

40. The delegation has stated that the role of men and women in the family and society must be based on respect for the biological and mental differences between the sexes. She asked what was meant by "mental differences", since the expression would appear to suggest attitudes resulting from gender stereotyping which should be combated.

41. Ms. GONZALEZ said that she, too, was concerned at the stereotyping of women as mothers. Paragraph 82 of the report, which mentioned the physical abilities of women and their irreplaceable maternal role, did not seem to take into account the fact that some women were unable to become mothers or did not wish to do so.

42. Paragraph 84 of the report stated that Czech legislation did not contain any specific provisions aimed exclusively at the elimination of violence against women. She wondered whether that meant that such violence was not a problem or that it was not identified as such. Information provided elsewhere in the report, under article 6 of the Convention, suggested that such violence did, in fact, exist, but was not dealt with. Not only men, but also women, could commit domestic violence. She asked for information on the victims, who might include older persons and children as well as adults. She also asked what the Government was doing to combat that problem.

Article 6

43. Ms. BUSTELO GARCIA DEL REAL said that while the report provided more information on article 6 than the reports of many states parties, it would be useful for the Committee to have copies of the Czech legislation on prostitution and trafficking in women and to know how effective that legislation had been and whether it discriminated against any of the rights guaranteed under other provisions of the Convention. She wondered how many traffickers and panderers, either male or female, had been arrested, tried and convicted, and what sentences those convicted had received. She asked whether illegal immigrant women found to be involved in prostitution networks were expelled from the country and whether they had the same rights as Czech women under domestic law. She requested information on government measures to protect women from violence and, in that regard, referred the delegation to general recommendation No. 19

(HRI/GEN/1/Rev.3). She also asked whether the Government was keeping records on Czech women who emigrated to ensure they were not victimized by organized crime.

44. Ms. JAVATE DE DIOS asked whether there had been any studies on the relationship between the opening-up of economies and increased prostitution among women, who frequently lost both their jobs and many of their rights during such a transition. She noted that the rise in prostitution had coincided with the beginning of that process in the Czech Republic and wondered what the Government was doing to address the problem.

45. She asked whether the government authorities mentioned in paragraph 103 of the report had a mandate to arrest and penalize traffickers, how large a budget was allocated to them and what bilateral and multilateral arrangements existed in that regard, particularly with regard to trafficking within Europe.

46. Paragraph 97 of the report stated that in 1994, 192 of the 203 cases of pandering in the Czech Republic had been "solved". She asked if that meant that the syndicates involved had been broken up, or simply that the individual offenders had been convicted. Trafficking in women and children was often associated with violence, and it was important for the Government to determine whether the human rights of the victims, including women who had migrated from other parts of the country, were being respected. The report said nothing of government-sponsored prevention and information campaigns, and there seemed to be a need for programmes to inform potential victims, particularly poor women, of the threat of organized prostitution.

47. With regard to pornography, although paragraph 99 of the report mentioned the prosecution of individuals responsible for the dissemination of pornographic works which depicted sexual intercourse with a child, most pornography involved adult women. She wondered whether the dissemination of that type of material was also illegal and how it was regulated.

48. The CHAIRPERSON said that she, like other members of the Committee, was concerned at the prevalence of prostitution and violence against women and by the fact that, although there was legislation prohibiting gender discrimination, there were no specific provisions for eliminating violence against women, which was a major obstacle to their advancement. Both the delegation's introductory statement and the report mentioned trafficking in women and, in particular, immigrant women from other European countries, as the major cause of violence against women. However, poverty, unemployment and single motherhood also contributed to the exploitation of women, even in countries where illegal trafficking was not a major problem. She asked what percentage of women in the Czech Republic were living below the poverty line.

49. Paragraph 85 of the report stated that the Czech Criminal Code defined the crime of murder of a newly born infant by its mother, taking into account that the perpetrator was a woman. She asked why the Code included a specific provision on infanticide by mothers and requested further information on the matter.

Article 7

50. Ms. FERRER said that according to the report, there had been a sharp drop in the number of women in decision-making and political posts. She asked how the Government planned to address that problem, which appeared to reflect a return to patriarchal stereotypes in political, economic and social life.

51. Ms. CORTI said that the delegation had made no mention of article 7 but that paragraph 110 of the report stated that, at the time of its preparation, women had not been represented in the current Government, and that there had been no authority representing them at the executive level. She wondered whether there had been any change in that situation. Paragraph 114 of the report stated that Czech women did not form a homogeneous group in terms of their attitudes and aspirations to assume leadership roles; she requested additional information. It was clear from the report that international law was reflected in domestic legislation and that the Czech Republic was an active member of the Council of Europe, which was strongly committed to parity in terms of representation of women in decision-making bodies as an essential prerequisite for their advancement. She wondered why the Government and women's non-governmental organizations (NGOs) were not working to address that problem.

52. With regard to NGOs, paragraph 111 of the report stated that between 1990 and 1993, over 50 women's NGOs had been established in the Czech Republic but that a number of them had subsequently ceased to exist or had few members. She asked what had led to that situation, why the remaining NGOs were relatively inactive at the European level and what the three umbrella associations mentioned in the report were doing to increase the number of women in decision-making posts.

53. The CHAIRPERSON said that paragraph 110 of the report stated that the representation of women in Parliament had dropped from 30 per cent to 10 per cent since 1989 and that there was no authority representing women at the executive level of Government. Further, according to paragraph 114, most women rejected the re-establishment of fixed quotas for their participation in political life. She asked what the basis for that statement was since women had been well-represented in government posts under the former political system, which had presumably established quotas for their participation. She noted that the achievement of de facto equality of women, guaranteed under the Constitution, would require further effort and wondered what the Government was doing in that regard.

Article 10

54. Ms. Yung-Chung KIM said that paragraph 139 of the report stated that six household economy schools for girls had been established on an experimental basis in 1990 and had been very successful. Since most Governments were integrating their curriculums to ensure gender equality, she wondered why the Czech Republic had set up segregated establishments to educate girls in such a traditional subject and whether the underlying basis for the programme was not the stereotypical division between men's and women's work. It was clear from the report that fields such as health care, teaching and library science were already dominated by women, while men predominated in the technical fields.

Schools of the type mentioned would not help to redress that imbalance. She asked whether the Government encouraged girls to enter scientific and technological schools by providing scholarships and intensive career counselling.

The meeting rose at 3 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.370
5 June 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 370th MEETING

Held at Headquarters, New York,
on Monday, 26 January 1998, at 3 p.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Czech Republic (continued)

This record is subject to correction.

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Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

98-80118 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Czech Republic (continued) (CEDAW/C/CZE/1)

1. At the invitation of the Chairperson, Ms. Hejna and Ms. Jerabkova (Czech Republic) took places at the Committee table.

Article 10

2. Ms. FERRER, referring to paragraph 135 of the report, asked which institutions, in addition to military schools, admitted only men for certain types of study, and why girls were not admitted.

3. Ms. AOUIJ said that it was commendable that, shortly after its establishment, the Czech Republic had notified the Secretary-General of its intention to be bound by the Convention.

4. In the sphere of education, the dominant themes seemed to be the family, the role of parents and their relations with their children. She asked whether women were presented in textbooks not just as mothers but as full-fledged citizens who made contributions in the political, economic and social fields. Was the Convention studied in schools at the primary, secondary and higher levels?

5. The six household economy schools which had been established for girls (para. 139) were a form of overt discrimination against girls and were likely to lead to an accentuation of female stereotypes; why was it not possible for boys to attend those schools?

6. Noting that an overwhelming majority of teachers were women (82 per cent at the primary level and 60 per cent at the secondary level) (para. 140), she said that the feminization of education inevitably led to reduced pay and made teaching careers less attractive to men. What percentage of principals in primary and secondary schools were women? Why were girls not going into technical education? In most developed and developing countries, great efforts were being made to encourage girls to undertake studies in science and technology, since that was essential for the progress and development of society; girls in the Czech Republic were therefore in an anachronistic situation compared with the rest of the world. She asked what steps were being taken by the Government in that regard, and how the recommendations of international conferences, especially the Fourth World Conference on Women, were being implemented in the Czech Republic, especially the recommendations concerning equality in education as the basis for the advancement of women, so that girls had the same opportunities as boys.

7. Ms. OUEDRAOGO said that it appeared that girls in the Czech Republic tended to go into traditional areas such as nursing and social work, rather than

non-traditional areas such as science. The Government might consider establishing special scholarships to encourage girls to enter careers in science and technology. Information and awareness campaigns were also needed, both for young people and for their parents.

Article 11

8. Ms. FERRER, referring to paragraph 146, asked whether average wages for women were still lower than those for men, particularly in view of the difficulties experienced by women during the transition to a market economy. Had the Government designed policies and programmes to help reduce those obvious inequalities? What was it doing to change gender stereotypes, which impaired women's ability to develop within society and contribute to the economy?

9. She requested further information on the new system of social benefits and services mentioned in paragraph 150. The obligation of employment offices to pay attention to job placement for unemployed persons who were difficult to place, including pregnant women and women with family responsibilities, had been mentioned in the oral presentation; she asked whether the law envisaged any penalties for employers who did not hire women in such categories.

10. Ms. GONZALEZ said that one of the most important ways of achieving the full advancement of women was to encourage their involvement in all economic activities, and to ensure that they enjoyed equal opportunities and equal access to employment and social benefits. The report provided no data on which branches of the economy women were involved in; to what extent did women participate in industrial activities and in the service sector, for example, and what proportion were workers, technicians and managers? What was their level of participation compared with men?

11. Referring to paragraph 148, she asked why there was a difference between widow's and widower's pensions, and for how long a widow's pension was payable; was it only when a spouse had his/her own pension that he/she was eligible for a widower's/widow's pension?

12. Ms. HARTONO, referring to paragraph 147, requested clarification as to why the pensionable age was different for men and women, and for childless women and women with children. That regulation could mean that only childless women would have access to the highest decision-making positions. How had the pensionable ages of 53 and 57 been determined?

13. With regard to Decree No. 261/97 specifying which jobs and workplaces were prohibited to women, she asked which jobs were prohibited and whether they were closed to all women or only to certain categories of women, such as pregnant women and women with small children.

Article 12

14. Ms. ABAKA said that the very low maternal mortality rate was a positive factor. She requested a breakdown of the major causes of maternal mortality and morbidity, especially in the light of the very high rates of induced abortion. She asked whether women who were hospitalized after an induced abortion were

discriminated against or received prompt treatment. She requested information on the average number of abortions per woman of childbearing age, particularly in view of the adverse consequences of frequent abortions on women's physical and mental health and the danger that abortion might be regarded as a method of contraception.

15. She asked whether the low level of contraceptive use was linked to a perception of women primarily as mothers. What was the average number of children per woman? Why was the abortion rate so high when contraceptives were readily available? How many women worked in the health care sector, in what areas, and at what level of seniority?

16. Referring to table 8 (para. 140), she asked whether there were any programmes to encourage girls to study science with a view to becoming doctors and pharmacists; in that capacity, they might be able to convince women to use contraception rather than undergo repeated abortions. Were students in medical and paramedical schools given human rights education? Did members of law enforcement agencies receive such education? Were women whose rights had been violated entitled to confidentiality and decent treatment?

17. Ms. SHALEV expressed alarm about the possible link between the low level of contraceptive use and the high incidence of induced abortion. Since 97 per cent of nursing school students were female, she wondered whether women also constituted a high proportion of the health-care personnel who, according to paragraph 178 of the report, lacked knowledge about contraceptives. It would be useful to know whether the Czech Government had conducted information campaigns about contraception for women, girls and, in particular, health-care professionals, who should be counselling women about contraceptive methods and the choices available to them. The telephone counselling centre for family planning, described by the Czech delegation in introducing the initial report, seemed wholly inadequate in that regard. The delegation should elaborate on the statement in paragraph 215 of the report that the cost of contraceptives was partly covered by general health insurance. It would be interesting to know whether fuller coverage was provided for abortions.

18. The report contained no information on infertility treatment. She would appreciate an indication of which methods were in use, their cost and the extent of their coverage by the health insurance scheme. Did women receive counselling and were they able to exercise choice in the matter?

19. The report also failed to address aspects of women's health unrelated to reproduction. Even the projects described in the oral presentation, such as the studies on women and smoking and on women's mental health, focused exclusively on women's childbearing and nursing functions. There was no information on causes of female morbidity other than those related to reproduction. A differentiation between the causes of male and female morbidity would also be valuable. She wished to know about services for elderly women, particularly in view of women's longevity in the Czech Republic, and about substance abuse programmes for women; the delegation should provide information on patterns of substance abuse among both men and women.

20. She inquired about the rise in the incidence of syphilis among men and women (para. 105, table 1). The delegation should provide more information on the disease's pattern of infection and on whether the situation had stabilized. She asked whether the pregnant women referred to in paragraph 172 had given their express consent to testing for HIV/AIDS or whether such testing was routine. She would also appreciate an analysis of the cost-effectiveness of such screening, given the low incidence of HIV/AIDS in the Czech Republic. A comparison of the resources allocated for such screening and those allocated for the distribution of contraceptives would be extremely interesting.

21. Ms. GONZALEZ echoed Ms. Abaka's and Ms. Shalev's concern about the number of induced abortions, which was almost as high as the number of live births. She would appreciate information on any programmes designed to discourage unwanted pregnancies among adolescents. The representatives of the Czech Republic should also provide a breakdown of induced abortions by age group.

22. She, too, would appreciate more information on female mortality and morbidity and on the general health situation of women, including their nutritional status. What types of facilities were available to women, throughout the national territory, for the treatment of diseases unrelated to reproduction? It would be interesting to know whether the Czech Republic was facing problems of adolescent drug use, including marijuana use, and addiction.

Article 13

23. Ms. FERRER asked whether Czech cultural institutions planned to teach skills other than the traditionally female ones enumerated in paragraph 192, in order to be more responsive to women's "interests and needs" in a genuinely egalitarian society.

Article 14

24. Ms. OUEDRAOGO expressed disappointment at the scant information on rural women and, in particular, at the assertion that discrimination between rural men and women did not exist (para. 196). That assertion seemed to contradict the statistics provided elsewhere in the report, particularly those on education. It was also surprising, since the elimination of stereotypes, including those with regard to the division of household chores, generally lagged behind in rural areas. She would therefore appreciate more specific information on the social, economic and cultural life of rural women.

Article 16

25. Ms. ACAR inquired about the relationship between the extremely high rate of divorce in the Czech Republic and Czech society's emphasis on family values. She would appreciate information on the status of de facto unions, which she presumed were fairly prevalent in a country with a divorce rate of 38 per cent. The delegation should describe the legal protection afforded to a woman upon the dissolution of a de facto union or in the event of her partner's death, particularly with regard to the custody of children, maintenance, contributions and property settlement.

26. Referring to paragraph 207, she inquired about possible alternatives to the institution of joint estate of spouses. The exclusion from the joint estate of "objects necessary for the exercise of the profession of only one of the spouses" could be discriminatory towards women, for example, in cases where huge sums of money had been invested in professional premises. More information would be appreciated in that regard.

The meeting rose at 4.05 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.371
22 April 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 371st MEETING

Held at Headquarters, New York,
on Tuesday, 27 January 1998, at 10 a.m.

Chairperson: Ms. KHAN

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (continued)

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (continued) (CEDAW/C/ZWE/1)

1. At the invitation of the Chairperson, Ms. Lesabe and Mr. Zamchiya (Zimbabwe) took places at the Committee table.

2. Mr. ZAMCHIYA (Zimbabwe) thanked the Committee for its comments on the initial report of Zimbabwe and, in particular, on national legislation to prevent discrimination against women.

3. In reply to the Committee's request for an explanation of the 11-year gap between Zimbabwe's independence and its accession to the Convention, he said that some of the provisions of the 1979 Constitution, such as the stipulation that women could not own property in communal areas, had not been eligible for amendment until 10 years after the instrument's adoption. Zimbabwe had, therefore, not been able to accede to certain international instruments, including the Convention, until the Constitution had been amended.

4. His delegation had also been asked to explain why the Ministry of Community Development and Women's Affairs had been dissolved. The Government had, in effect, upgraded the status of that Ministry by incorporating it into the Ministry of National Affairs, Employment Creation and Cooperatives, which was responsible not merely for women's, but for national affairs, and whose mission statement stipulated that its mandate was "to facilitate the socio-economic empowerment of communities, focusing on women, the youth and the unemployed".

5. In reply to the suggestion that Zimbabwe should establish a separate body to deal with women's affairs, he said that the Government was considering the establishment of an autonomous agency for economic matters. President Mugabe supported that proposal and would welcome suggestions for the establishment of a similar agency for women's issues.

6. The Committee had requested information on budget allocations for women's affairs. A 1994 directive had established a provincial government hierarchy which included a provincial council and rural, ward and village councils. There was also a parallel system of provincial, rural district, ward and village development committees under the various ministries. Project funding was disbursed, not at the local level, but through the appropriate ministry. The Government considered that since projects such as the construction of roads, schools and clinics benefited women as well as men, all such activities should be viewed as affirmative action on behalf of women.

7. However, creation of a specific agency for women's issues would entail the establishment of an additional ministry at a time when the international community and the Bretton Woods institutions were urging the Government to eliminate ministries in order to reduce its budget deficit. Under those circumstances, it would seem preferable to consider ways to improve existing

institutions, and his delegation would welcome suggestions for enhancing the activities of the Ministry of National Affairs, Employment Creation and Cooperatives on behalf of women. Furthermore, since non-governmental organizations (NGOs) and the donor community preferred to disburse project funding directly to local authorities, the Government was concentrating on decentralization as part of its structural adjustment programme and considered that concentration of additional power in the Government through the establishment of a new ministry would be counterproductive.

8. The Government was aware of the general recommendations of the Committee but had not been actively implementing them. It welcomed the Committee's offer to provide it with a compilation of those recommendations and would consider incorporating them into domestic law.

9. In reply to a question on what the Government was doing to implement the Beijing Platform for Action, he said that it had developed a national gender policy, a national plan of action, indicators for monitoring the status of women and a project on women in politics and decision-making, and that there were gender focal persons who were given training in gender sensitization, planning and policy development.

10. The Ombudsman was responsible for investigating any action by a government authority which resulted in injustice. The Ombudsman's office had no specific mandate to address the rights of women but provided a channel through which they could appeal against administrative decisions or actions on issues such as the courts' failure to pay benefits or sexual harassment in the workplace. The Ombudsman had no jurisdiction over the private and informal sectors or over certain government departments, such as the Office of the President, and her recommendations were not binding. However, a recent amendment to the Constitution and the Ombudsman Act had empowered her to investigate reports of human rights violations and had extended her mandate to include the police, the armed forces and the prison service. A Deputy Ombudsman had recently been appointed, and there were plans to set up a second office in the country's second largest city, Bulawayo.

11. Victims of human rights violations were also entitled to appeal through the courts, although the cost could be prohibitive. However, under the Constitution, international instruments to which Zimbabwe was a party could be incorporated into domestic law only through an act of Parliament. Thus, while most of the provisions of the Convention were included in domestic law and therefore enforceable, there was no single piece of legislation giving effect to the Convention.

12. Although gender sensitization training was currently provided only to judicial and police officers who handled cases of rape and other forms of violence against women, there were plans to extend such training to paramedics and medical personnel who dealt with the victims of such abuse.

13. Dissemination of the Convention was an ongoing process that had focused initially on its distribution to ministries and other relevant bodies. The Zimbabwean Institute of Public Administration and Management, a government training centre, had established a gender project which included the Convention

in its curriculum, and all gender focal persons, together with male and female employees of government offices, received training through that programme. Plans were also under way to disseminate the Convention in its translated, simplified form at the grass-roots level.

14. The Public Service Commission recognized the need to increase the number of women in management positions, the diplomatic service and international organizations. To that end, the Zimbabwe Institute of Public Administration and Management had established a management development programme for civil servants.

15. While there was no specific programme to increase the number of women in the judiciary, the percentage of women judges, and particularly of women magistrates, had risen steadily over the past few years. Owing to the low salaries of Zimbabwean judges, most of the country's men and women lawyers preferred to set up private practices. The Government encouraged qualified candidates to enter the judiciary and hoped that more of them would choose to become judges in the future.

16. The Constitution, which was the supreme law of the country, had been amended in 1966 to prohibit discrimination on the ground of sex, although the amendment did not specifically concern discrimination against women. Customary laws and practices which discriminated against women were inconsistent with the Constitution and therefore void. A number of laws had been enacted to prohibit certain cultural practices, such as the betrothal of girls and women. Despite the existence of such laws, however, some discriminatory practices still existed.

17. The Sex Discrimination Removal Act provided that women could be appointed to any public office, subject to the same terms and conditions as men. However, while the Act provided for equal treatment of women, it did not provide for affirmative action. Moreover, there were no specific programmes aimed at eliminating negative cultural practices and attitudes towards women, although a number of educational programmes sought to counter gender stereotypes in text books and school curricula.

18. Responding to questions concerning the enactment of a family code in Zimbabwe and the recent civil unrest in the country, he indicated that Zimbabwe did not currently have a family code but might consider the possibility of establishing one in the future. Since his delegation had been in New York during the reported unrest in Zimbabwe, it was not yet in a position to provide information on the extent to which women and children might have been affected.

Article 2

19. Commenting on questions raised in relation to article 2, he said that, subject to certain exceptions, the Labour Relations Act prohibited discrimination on the ground of sex. The exceptions were intended to take account of special conditions, such as maternity leave, that related to female employees and to the biological differences between men and women. The net effect of the exceptions, however, was not to promote discrimination but rather to safeguard the interests of female employees.

20. No information was available on the extent to which women availed themselves of the remedies against discrimination provided under the Labour Relations Act. Independent research suggested, however, that discrimination against women in the workplace was quite prevalent. He hoped that the relevant data could be included in his country's second report.

21. The identification of discriminatory laws with a view to amending them continued. The Communal Lands Act, for example, which recognized the application of customary law in the allocation of land in communal areas, had been identified for amendment.

22. He acknowledged as valid the Committee's recommendation that unregistered customary marriages should be recognized for the purpose of the distribution of matrimonial property, particularly since women from such unions experienced severe difficulties upon their dissolution. The situation, however, should be viewed in the context of other human rights instruments, and in particular the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. The ultimate aim should be to ensure that all marriages were registered.

23. Although actual figures on polygamy were not available, independent surveys showed that the practice was widespread. No concrete steps had been taken by the Government to outlaw the practice, which was permitted under the African Marriages Act. Polygamy was likely to decline in the future, however, mainly as a result of the influence of Christianity and of economic and social conditions.

Article 4

24. In relation to article 4, while Zimbabwe had taken cognizance of the Committee's recommendation that full advantage should be taken of affirmative action programmes, little progress had been made. The Government was currently looking at the experiences of other States with a view to accelerating de fa(to equality in all sectors of Zimbabwean society.

Article 5

25. Following the enactment of the Legal Age of Majority Act, the payment of lobola (dowry) for a bride had ceased to be a legal requirement for marriage under customary law. Many women, however, still allowed their fathers or guardians to negotiate for lobola, which was considered to be an integral part of African custom. Therefore, while the legislature had removed lobola as a legal requirement for marriage, it had not positively prohibited the practice. Indeed, the difficulty of enforcing legislation that sought to regulate the private acts of individuals was well known.

26. There had been incidents in which women who were alleged to have been indecently dressed had been harassed by hooligans in the name of preserving culture. Unfortunately, in the majority of cases, the police had failed to take action, thus giving the false impression that the Government condoned such action. It was therefore necessary to educate the police about the need for appropriate action.

27. There were currently no shelters or rehabilitation programmes in Zimbabwe for women victims of violence, although some non-governmental organizations provided counselling services to victims.

28. Little information on the incidence of female genital mutilation was available. The practice was extremely rare in Zimbabwe and investigations would have to be undertaken to determine the actual extent of the problem so that steps could be taken to eradicate it.

29. Media personnel had received training in gender-sensitive reporting and there had been a gradual change in the way in which women were portrayed in the media. The country's largest daily newspaper carried a weekly feature which highlighted the achievements of women and provided information on programmes and legal and other issues of concern to women.

Article 6

30. Responding to questions about prostitution, he explained that prostitution and trafficking in women were illegal in Zimbabwe and prostitutes therefore had no special rights with regard to access to health services. Zimbabwe had recently acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Measures would be taken to incorporate the Convention into domestic law. While men were not prosecuted for buying the services of a prostitute, they were liable to prosecution for living off the earnings of a prostitute or for allowing their premises to be used as a brothel. The national machinery did not have any specific programmes for the rehabilitation of prostitutes, although various non-governmental organizations sought to rehabilitate them by offering viable alternative sources of income.

Article 7

31. In relation to article 7, the major political parties in Zimbabwe each had a women's wing whose activities were geared mainly towards mobilizing support and votes for predominantly male candidates. The national machinery had, however, embarked on a project to change those attitudes.

32. There were no distinctions between Members of Parliament who had been elected to office and those who had been appointed by the President of the Republic. The President's power to appoint some Members of Parliament was intended to protect the interests of minority and under-represented groups and a number of women had been so appointed in the past.

Article 10

33. Commenting on various questions raised in connection with article 10, he said that while a number of measures had been put in place to keep girls in school, no specific assistance was given to girls who returned to school after childbirth. Various religious organizations operated private schools and received nominal grants from the State. The amount of such funding would be indicated in the second report. Racial segregation in schools had been abolished, although most private schools remained exclusive because of their

prohibitive fees, which few Africans could afford. On the subject of school uniforms, while it was the general practice to wear such uniforms, pupils unable to afford them were not turned away from school. Lastly, there were government training centres in all provinces where school drop-outs were trained in such skills as agriculture, carpentry, handicraft and business management.

Article 11

34. In relation to article 11, a specific statutory instrument governed the conditions of service of domestic workers but did not adequately provide for such benefits as maternity leave, medical aid and pensions. Workers in the informal sector were not organized into formal trade unions and the Government had been encouraging them to join a recently formed association. Legislation was also being drafted for the purpose of harmonizing the country's labour laws.

Article 12

35. Government health institutions provided free health care to rural residents as well as to urban residents whose monthly income was less than Z$ 400. However, the reduction in the budget for social services under the country's structural adjustment programme had adversely affected the quality of health services.

36. On the subjects of HIV/AIDS and teenage pregnancies, education campaigns were being carried out to increase public awareness of the need to change negative attitudes towards people with HIV/AIDS. Proper research was needed to ascertain the extent of teenage pregnancies, although the problem appeared to be widespread. Lastly, while the law did not prohibit young girls from being given contraceptives, health workers were sometimes reluctant to provide them, since it was an offence for any man to have sexual relations with a girl under the age of 16.

Article 14

37. In relation to article 14, most rural families had basic farming implements, such as animal drawn ploughs, to lessen the burden of work for women. In most areas also, water points had been brought closer to homes in order to reduce the distances which women were forced to travel to fetch water.

Article 15

38. Following the enactment of the Legal Age of Majority Act, women could now sue or be sued in their own right. Preparations were also under way for the establishment of a Legal Aid Directorate which would represent women on a pro bono basis. Women of majority age could seek legal assistance unaccompanied by a male relative. Minors, however, still required the assistance of their father or guardian.

Article 16

39. In relation to article 16, it was the Government's policy that all marriages should be registered and, to that end, it proposed to conduct

awareness campaigns and to decentralize marriage offices. It was also giving consideration to the enactment of legislation on domestic violence. At the moment, a peace order was issued where a complaint was made to a magistrate that an individual was threatening injury to another's person or property. The Government did not keep statistics on domestic violence and there was therefore need to coordinate the efforts of all stakeholders in order to maintain tabulated information on the incidence of such violence.

40. Ms. SCHÖPP-SCHILLING, in reference to whether independent or integrated national machinery was more effective, said that it did not matter; what was needed was political will and resources. She suggested that a network of men and women sensitive to the situation of women, should be established in all ministries, with appropriate rules of procedure. Every piece of legislation, programme and action undertaken by a ministry should be checked for its impact on women. Any ministry responsible for women's affairs should be given the right to initiate action in areas considered the responsibility of other ministries if those areas affected women, as well as the right to remove an issue from the Government's agenda if its impact on women had not been satisfactorily weighed. It should also report regularly to the Prime Minister. Lastly, each ministry should report on how it had followed the rules of procedure.

41. The advancement of women was impossible without affirmative action, which meant giving women more than their share of opportunities. She hoped the Government would establish an affirmative action policy which included training, and the setting of numerical goals or quotas in all spheres of society.

42. She trusted that the comment by the representative of Zimbabwe that the law stopped at the bedroom did not mean that he condoned such a view, since much of the violence against women was committed within the family.

43. Ms. CORTI said that while she had noted with satisfaction the passing of the Sex Discrimination Removal Act, not much had been done in the areas of polygamy and violence against women. In the light of the fact that violence was often a widespread phenomenon in new countries with difficult economic situations, a law on violence against women should be enacted.

44. Ms. JAVATE DE DIOS said that she had noted with satisfaction that the police force and prison personnel were not exempt from being investigated for human rights violations. She hoped that the Government would be more assertive in terms of punitive and preventive action concerning the stripping of women in streets, in order to send a strong message to society that such practices were unacceptable. In that connection, she suggested that the Government should take a more comprehensive approach to violence against women, including the systematic collection of disaggregated data, the adoption of a domestic violence law, the provision of counselling and other services for women victims, and the initiation of a broad public awareness campaign against violence. The Government should investigate the problems of the high drop-out rate among girls and the incidence of teenage pregnancy. Violence against women was a human rights as well as a public health issue that generated enormous social costs; preventing those costs would be to the benefit of society as a whole.

45. Ms. FERRER said that it was necessary to establish national machinery for the advancement of women and to launch an awareness campaign at the local and national level aimed at changing attitudes towards women. In that connection, it was necessary to adopt affirmative action measures.

46. Ms. ABAKA said that she was pleased to see that the Ombudsman's functions had been extended to include the investigation of law enforcement agencies, especially in the light of the recent cases of police arresting girls for dressing indecently. She suggested that the Ombudsman's functions should also be extended to violations of human rights in the private sector.

47. Ms. BUSTELO GARCIA DEL REAL said that the provisions of article 6 of the Convention should be fully implemented. In spite of the fact that prostitution was illegal, as members of society prostitutes had fundamental rights, including the right to health services, and measures should be taken to protect those rights. Any policy aimed at the reduction of violence against women should take into account the fact that prostitutes were frequently victims of violence and should therefore be protected. Furthermore, under the Convention, it was discriminatory to consider prostitution, but not procurement, an illegal act.

48. The CHAIRPERSON said that while she commended the Government of Zimbabwe for its efforts to make gender issues a priority, gender stereotypes and retrogressive customary laws and traditions practised in Zimbabwe were still a major obstacle to the advancement of women. Research was needed to investigate the causes of the high rates of teenage pregnancy and abortion, and contraceptive devices and sex education must be provided to young women. Lastly, the report shed very little light on the right of women to own property and on violence against women, and she hoped that the next report would provide additional information on those important issues.

49. Ms. LESABE said that she appreciated the Committee's questions as they pointed out the areas of concern which needed further attention, especially those related to customary laws and traditions, on which she recognized the need for widespread consultation.

50. Ms. Lesabe and Mr. Zamchiya (Zimbabwe) withdrew.

The meeting was suspended at 12.35 p.m. and resumed at 12.55 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

51. Ms. RYEL informed the Committee that Ms. Gro Harlem Brundtland (Norway) had been elected Director-General of the World Health Organization.

The meeting rose at 1 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.372
2 June 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 372nd MEETING

Held at Headquarters, New York,
on Tuesday, 27 January 1998, at 3 p.m.

Chairperson: Ms. BUSTELO GARCIA DEL REAL
(Vice-Chairperson)

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98-80130 (E)

In the absence of the Chairperson, Ms. Bustelo García Del Real, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of the Czech Republic (continued)

1. At the invitation of the Chairperson, Ms. Hejna, Ms. Kucharová, Ms. Machová, Ms. Jerabkova, Ms. Gjuricova, Mr. Visek, Ms. Kastankova, Mr. Fuchs and Ms. Polakova (Czech Republic) took places at the Committee table.

2. Ms. HEJNA (Czech Republic), responding to the Committee's concerns about her Government's apparent over-emphasis on the role of women as mothers, recalled that the Czech Republic was just emerging from over 40 years of totalitarianism, which had completely destroyed the structure and basic functions of the family. Under that regime, women had been forced to work and children had been placed in collective child-care establishments from the age of two weeks; that had affected the physical and mental health of both mothers and children. With the restoration of democracy, Czech women now valued the maternal and family functions which had been denied them under the previous regime. Strengthening the family as the basic social unit had helped to mitigate the social and economic effects of the transition to democracy. Strengthening the family unit had also led to a decline in the divorce rate, despite the enormous difficulties created by the transition process.

3. The Government's current policy stressed freedom of choice. Women could choose to pursue a career or to stay at home to care for their children and families with the State's financial support. In that regard, the right to such financial support also applied to men. The husbands of women with well-paid jobs in sectors such as banking often decided to stay at home and take care of young children. Indeed, structural changes in the employment area had led to a redistribution of the functions and responsibilities of men and women, with the result that men now assumed a greater share of family and household responsibilities. Women's new role was obviously linked to the advent of democracy, the transformation of society and economic change. The Government must now give top priority to harmonizing work, social life and family life. In that regard, the Government had been unable to implement the outcome of the Fourth World Conference on Women because it must wait until the process of social change was complete.

4. For a long time, the previous regime had exercised total control over all of civil society, including non-governmental organizations, and had suppressed dissent. Following the fall of that regime, non-governmental organizations had proliferated. However, people had since found other avenues of self-expression, in political as well as professional life. Human rights education had been suppressed under the previous regime; one of the most important goals of the democratic Government was the promotion of human rights and human rights education. The Government was still trying to explain basic political concepts,

and individual women's organizations were still seeking their place in the political spectrum. In that regard, it would take some time before a common direction was found.

5. Social change would gradually be reflected in a growing number of women in decision-making positions and in politics. Generally speaking, Czech women did not support a quota system, although their representation in government was rising steadily. Following the 1996 parliamentary elections, women had accounted for 15 per cent of members of the lower chamber of Parliament and 18 per cent of members of the Senate or upper chamber. The proportion of women in municipal governments was 18 per cent.

6. Women accounted for 62.7 per cent of all judges; they accounted for 67.1 per cent of judges in the regional courts and 35 per cent of Supreme Court judges. About 40 per cent of the staff of the Ministry of Foreign Affairs and 25 per cent of the staff of the Ministry of the Interior were women. Two of the 17 ministers in the new Government were women: the Ministers of Justice and Health. The Deputy Chairman of the lower chamber of Parliament was also a woman and a number of women were deputy ministers and heads of department.

7. Major reforms had also been carried out with respect to the role of the media, especially in the crucial areas of the status of women and human rights. In the past, the media had been a propaganda tool of the totalitarian regime. Now, ways were being sought to raise public awareness of women's concerns through the media. A major effort had also been made to overhaul the country's cultural institutions to bring them into line with the Convention.

8. Responding to the Committee's concern that the Czech Republic had not established any national body for women nor any national machinery to follow up the outcome of the Beijing Conference, she noted that the new Government would pay special attention to women's issues, including the obligations arising from the Convention. In that regard, the Government planned to establish a commission on the status of women within the Ministry of Labour and Social Affairs. Other ministries, non-governmental organizations and research centres would have an input into the work of that commission, which would be financed from the State budget. One of the tasks of the research centre created under the Ministry of Social Affairs was to gather comprehensive data on women.

9. Ms. KUCHAROVÁ (Czech Republic), noting that her country's socio-economic transformation was still ongoing, said that the standard of living and lifestyles of individual social groups were evolving in different directions. Some women had benefited from the country's transformation, while others had suffered considerably from the growing unemployment, price liberalization, the rising cost of living and the dismantling of the paternalistic system. Women were protected through the wide social safety net, government support for non-governmental organizations and civil associations and an active unemployment policy. Women's traditionally high rate of employment had been maintained; in 1997, that rate had been 24 per cent, although there were differences according to age. Generally speaking, women's economic activities had declined in the 1990s for several reasons, including the possibility of taking early retirement under the new pension system and the granting of benefits to people who stayed at home to care for children under the age of four.

10. Women's main reasons for working were their often high qualifications, their adaptability, the need to supplement their income in order to improve their standard of living, and the perception of employment as a means of gaining independence. In the 1990s, the highest increase in female employment had been in the banking and insurance sectors, while women's employment in agriculture and processing industries had declined sharply. Female employment in the trade, education, health and social services sectors had also been high. A relatively high proportion of women were employed in fields requiring advanced qualifications, such as research. However, there were far more women than men in unskilled jobs. The high proportion of women in unskilled jobs resulted in high unemployment rates for women. On the other hand, since a greater proportion of women than men had secondary education, that gave them greater flexibility on the labour market, where they held a larger share of middle-level positions. The fact that 4 per cent of women, as compared with 9 per cent of men, held very senior positions in the legislature and at the highest levels of government partially reflected the educational structure of the economically active population.

11. One of the noteworthy changes brought about by privatization was the large number of women in the tertiary sector; the number of female entrepreneurs was high compared with other countries. In 1997, 5.2 per cent of self-employed persons had been women, as compared with 10.3 per cent of men. Women were not as interested as men in establishing businesses, however. According to one sociological survey, 7 per cent of women and 11 per cent of men in the labour force intended to set up their own business. The Ministry of Industry and Trade planned to establish support programmes for small- and medium-sized enterprises run by women. In-service training courses were also available for both men and women. According to the same survey, employed women in many fields were generally as satisfied with their jobs as men were.

12. Women were often prepared to take less demanding jobs so that they could fulfil their family responsibilities; such women did not then feel that they were suffering discrimination in the workplace. Some 27 per cent of women reported discrimination in the workplace, over half of them for personal reasons, 30 per cent for reasons connected with gender, and a small percentage for reasons such as age, political orientation, education and health status, with ethnic origin in last place. In general, women felt that they had fewer opportunities than men to advance to senior positions, improve their qualifications and earn comparable salaries. According to sociological surveys, about 60 per cent of working women, as compared with 30 per cent of working men, were in subordinate positions. The differences were less marked in respect of the chances of finding work after losing a job or graduating from university. According to some surveys, women were less interested in mobility than men; about 3.6 per cent of women in the labour force were looking for new jobs and the reasons given were usually to earn a better salary or enjoy better working conditions.

13. As in many other countries, women's unemployment had been higher than men's for a long time. After several years of stagnation, the unemployment rate had risen to about 2.5 per cent for men and about 4 per cent for women in 1992-1996. In 1997, the rate had increased for both sexes; currently, the unemployment rate was about 4 per cent for men and about 6.1 per cent for women.

14. There was a clear link between unemployment and educational level, with higher unemployment at lower educational levels and also among single mothers and other disadvantaged persons. Unemployment was also higher in rural areas. According to surveys, more women became unemployed because of family responsibilities, and more men became unemployed through choice. Unemployed women were usually provided for, because their partners were employed and they could claim social benefits. Unemployment in the Czech Republic was not usually associated with poverty and social exclusion, because the unemployment rate was relatively low and the proportion of long-term unemployed persons was small. About 30 per cent of unemployed women had been unemployed for over a year and the figures were the same for men. Unemployment services were well developed and included job placement, guidance and counselling services, and refresher training. Special attention was paid to young people and the disabled.

15. The Employment Act in force since 1991 required employment offices to pay special attention to young people. There were a number of programmes for young people who had not completed primary or secondary school, and also retraining and job placement programmes. Those measures targeted boys and girls alike and were geared to specific needs. There was also special provision for mothers with children and mothers re-entering the workforce after maternity leave. Some 60 to 65 per cent of unemployed women participated in refresher training courses organized by employment offices. The Government ensured the dissemination of information and coordination of the activities of all interested bodies.

16. One of the problems associated with the transition period was poverty. Poverty did not affect women any differently from society as a whole, since it affected families rather than individuals. Sociological surveys did not consider gender as an indicator of poverty. In the Czech Republic, there were low-income groups and persons threatened with poverty, rather than poor people as such. Nevertheless, certain categories of the population and certain marginal groups were at greater risk than others; they included unskilled women in backward regions, elderly women living alone, single mothers, Roma women and girls, drug addicts, homeless women and prostitutes. Measures were being taken, within the social support system, to assist women in such situations. The assistance provided by non-governmental organizations was also very important. Poverty was also associated with unemployment and the rising cost of living. Since statistics on poverty were calculated for families, poverty among women could be determined only in the case of single women. No precise information was available on income distribution within families. The proportion of households with incomes below the poverty line had been under 1.1 per cent in 1995. The risk of poverty for single women, however, was very high, especially for women pensioners and women with a low level of qualifications combined with other handicaps. The most common reason for poverty was temporary exclusion from the labour market.

17. Ms. MACHOVÁ (Czech Republic) said that two amendments had been made to the Family Law in 1989. First, the equality of church and civil marriages had been established; second, section 46 had been abolished on the basis of a finding by the Constitutional Court that it was in violation of the Charter of Fundamental Rights and Freedoms, which established that parents had the right to ensure the care and upbringing of their children and that minor children could not be

separated from their parents, except by a decision of the court in accordance with the law.

18. Work was currently under way on a new family code which would comply with progressive precepts of family law and introduce a modern, well-balanced concept of family relations. A number of studies and analyses of the family codes of many Western countries had been carried out. In 1997, the Czech Republic had hosted a seminar on family law in Prague. The head of the team working on the new family code had for some time been a member of the expert committee on family law of the Council of Europe, and the Council's recommendation on family mediation would be incorporated into the new code. Preparations for the new code were being widely publicized and were attracting a great deal of attention from non-governmental organizations, women's organizations and professional associations, some of which had made proposals on how to address certain issues in the code. The Czech Parliament had introduced several bills relating to aspects of the new code. Work on the new code had now reached the stage of consideration of specific proposals on, in particular, divorce, the only method of divorce in the past having been through adversary proceedings; child custody after divorce; child support and alimony; and relations between the spouses.

19. Ms. JERABKOVA (Czech Republic) said that the Czech Republic regarded the Convention as the culmination of the development of international law on the emancipation and equality of women. The legislation of the Czech Republic on the protection of human rights and freedoms and women's rights was described in the report.

20. Under article 10 of the Constitution, ratified and promulgated international instruments on human rights and fundamental freedoms were immediately binding and took precedence over domestic legislation. The Constitutional Court had competence to determine whether laws and regulations were inconsistent with the Convention; the Court had not received any complaints of such inconsistency.

21. The Czech Republic welcomed the preparation of an optional protocol, which would enable individuals and groups of people who had exhausted domestic remedies to apply to the Committee. The optional protocol would encourage States to pay much more attention to the implementation of the Convention.

22. In response to the question as to how the Convention was being disseminated in the Czech Republic, one example was a booklet on the legal situation of women in the Czech Republic which had been published in 1996 by the University of Prague and which covered all relevant aspects of the Convention.

23. Ms. MACHOVÁ (Czech Republic), replying to the question as to why there was no specific law in the Czech Republic prohibiting discrimination against women, said that Czech legislation was based on the principle of the equal and general protection of the rights of men and women. The subject of those rights was the citizen, regardless of gender. As to judicial protection, in situations where a person wished to assert his or her rights in court, the Code of Civil Procedure stipulated that the parties to court proceedings had equal status and had the right to be heard and to speak in court in their own language, and the court had to ensure them equal conditions for asserting their rights. Under section 19 of

the Code, anyone who had the capacity to have rights and duties had the capacity to participate in civil proceedings. Under section 7 of the Civil Code, the capacity of a natural person to have rights and duties arose at birth. Those provisions clearly demonstrated the equality of parties in civil proceedings.

24. Under section 72 of the law on the Constitutional Court, any individual or legal entity who claimed that a decision in a procedure or an intervention by a public authority had violated his or her basic rights or constitutional freedoms could apply to the Court. So far, no one had filed a petition with the Constitutional Court alleging that a court had not ensured his or her equal status in its proceedings.

25. Ms. JERABKOVA (Czech Republic) said that the decrease in the number of non-governmental organizations was a natural sequel to the very sharp increase at the time of independence. The Government had begun cooperating with non-governmental organizations in December 1997 in preparing its report for the Committee on the Rights of the Child. At that time, representatives of more than 50 relevant non-governmental organizations had met with experts from the Ministry of Foreign Affairs. Similar cooperation would be sought with non-governmental organizations dealing with women's issues. In presenting future reports, the Czech delegation would give an indication as to which sections incorporated the views of non-governmental organizations.

26. Ms. GJURICOVA (Czech Republic), replying to questions on crime prevention, said that, in the Czech Republic, crime was viewed as a social and pathological phenomenon. The National Commission on Crime Prevention, a coordinating body at the ministerial level, comprised representatives of the Ministries of Justice, Labour and Social Affairs, Education, Health, Defence, Regional Development and Finance. An interministerial commission on drug abuse, coordinated by the Minister of the Interior, participated in crime prevention activities and monitored their cost-effectiveness; their cost in the past two years had exceeded 110 million Czech koruny. The National Commission's priority was to establish a comprehensive approach to crime control at the local level, in other words, in residential areas.

27. Crime prevention programmes were based on the principle that the activities of the Government and its agencies, the police, non-governmental organizations, charities, entrepreneurs and citizens should be coordinated. Those programmes now included police counselling on self-protection against crime, and cooperation with local authorities. Recently, the Government, in cooperation with the legislature, had assumed responsibility for the methodology of such programmes; it also initiated and coordinated activities at the local level. Crime prevention programmes focused on the reintegration of individuals in society, the containment of crime-generating situations, the dissemination of information on self-protection against crime, and assistance to crime victims. They were primarily funded from the State budget; other sources of funding included ministerial and municipal funds and grants, foreign foundations and, more recently, the private sector.

28. Counselling centres and helplines operated by sociologists, psychologists and other experts had been established for mothers in difficult situations and were maintained by non-governmental organizations, charities and the Government;

their coverage was limited, however. The Ministry of Health and the Ministry of Foreign Affairs sponsored counselling centres, and non-governmental organizations and charities assisted female victims of violence. The Ministry of the Interior and the Department of Crime Prevention were also working with non-governmental organizations at the national level and promoting cooperation at the local level.

29. The Criminal Code did not prescribe specific penalties for male perpetrators of violence against women; however, its provisions on forcible rape, sexual abuse, incest, injury, failure to provide assistance, restriction of personal liberty and damage to the property of third persons were applicable in many such cases. Improvements in Czech programmes of assistance for female victims of domestic violence would be modelled on those of the United States of America.

30. Ms. MACHOVÁ (Czech Republic) said that the statistics which the Committee had requested on the sexual abuse of women would be forwarded from the Czech Republic at a later date. Sexual abuse was dealt with in the Criminal Code under crimes against liberty and human dignity, including forcible rape and trafficking in women.

31. Mr. VISEK (Czech Republic), replying to questions on violence committed against girls within the family (article 5 of the Convention), said that the Czech social protection system, created under special laws and implemented through child welfare departments or district offices, was responsible for the protection of girls. Under the Charter of Fundamental Rights and Freedoms which formed part of Czech constitutional law, and in accordance with many international treaties, the State was required to protect girls against violence and to ensure their healthy development, including their moral development. The outdated Law on Social Protection was to be replaced by a new law which would define "endangered children", identify groups of children eligible for social protection and establish government bodies to that end. The social protection of children was viewed as a duty of the general public as well. Under the new law, the State would intervene only when parents had proved to be unfit. Welfare workers also played a major role in child protection, and handled cases in which children under the age of 15 committed acts that might otherwise be characterized as crimes. In 1997, the number of welfare workers had been increased to 1,700; each worker was required to handle approximately 400 cases annually. Facilities were also available for children from dysfunctional families, children with learning disabilities and, since 1991, pregnant minors. With State funding, non-governmental organizations sponsored hotlines and contacted crisis centres for youth in difficult situations.

32. Ms. GJURICOVA (Czech Republic), replying to questions on article 6, said that prostitution had increased dramatically since the attainment of independence in 1990. That increase was attributable to the opening of the country's borders, which had been sealed since 1948, and to the demand for Czech prostitutes among foreigners, particularly visitors from Germany and other German-speaking countries, but also to the decline in the economic and social situation of certain groups, particularly non-skilled workers, whose standard of living was near the poverty line. Prostitution was most prevalent in border areas and in large cities, particularly Prague. In an unprecedented

development, the services of prostitutes were being offered in secret houses and hotels. As indicated in the report, the spread of prostitution had resulted in a high incidence of venereal disease, although, fortunately, there had been no significant increase in HIV/AIDS. In addition to being a social problem, prostitution was a threat to law and order, and to the moral development of young people, and was linked to organized crime and the activities of aggressive international gangs from Bulgaria, Ukraine and the former Yugoslavia.

33. Action to control the situation was being taken in cooperation with 12 non-governmental organizations devoted mainly to the prevention of HIV/AIDS, crisis intervention and social assistance. Also in cooperation with non-governmental organizations, the Government was disseminating information on the dangers of newspaper advertisements promising lucrative jobs abroad. Several issues of a bulletin containing the accounts of women who had responded to such advertisements and analyses by criminologists and crime prevention personnel had already been circulated in cooperation with a non-governmental organization, La Strada. The national and municipal police also distributed, in areas frequented by prostitutes, leaflets offering anonymous assistance to girls who were victims of trafficking in women.

34. In cooperation with La Strada, an international conference on the problem had been organized for police officers from Bulgaria, the Czech Republic, the Netherlands, Slovakia, Ukraine and other countries; participation by non-governmental organizations in the conference had been considerable. Like social protection programmes, programmes of assistance for victims of trafficking in women were funded from the national budget and by grants from the Ministry of Health. Two units of the Czech police were responsible for dealing with prostitution and procuring: the Criminal Service and the Department of Organized Crime. In that connection, the role of non-governmental organizations in making contact with marginalized groups was invaluable.

35. While prostitution per se was not considered a crime in the Czech Republic, it could be prosecuted in connection with other crimes. In response to the request for statistics on procuring, she said that, in 1994, 203 people had been prosecuted for procurement and 192 had been cleared; in 1995, 239 people had been prosecuted and 226 cleared; in 1996, 150 people had been prosecuted and 144 cleared; and in 1997, 125 people had been prosecuted. Under the Criminal Code, the penalties for procurement were: one to three years' imprisonment; one to five years' imprisonment if the crime involved violence or the threat of violence; two to eight years if the offender had profited considerably from the crime or if it was committed by a member of an organized group; and five to 12 years if it was committed against a person under 15 years of age.

36. The Czech police were very discouraged by the low success rate in investigating and prosecuting crimes of trafficking in women. Information was complete only when it was obtained from the victims themselves. Typically, however, the accused were interrogated in the presence of their lawyers, resulting in information leaks, and witnesses were released, only to be harassed by organized groups so that they ultimately changed their testimony or failed to appear in court. Trafficking operations were often too cleverly timed to result in the expulsion of the girls involved; traffickers kept scrupulous track of student and tourist visa expiry dates. The Czech police were cooperating with

police in other European countries in investigating organized crime. A few months previously a Bulgarian gang operating a prostitution ring in the Czech Republic had been apprehended, in cooperation with La Strada. Every effort had been made to assist the young girls involved, who were in very poor health. In the belief that prostitution was a flagrant violation of the human rights of women and girls, the Czech Government was currently studying the problem in all its aspects, in cooperation with non-governmental organizations.

37. Ms. KASTANKOVA (Czech Republic), referring to article 10, said that primary school education had been compulsory for all since the eighteenth century; in 1918, women had been guaranteed access to secondary and university education as well. Before 1989, however, admission to secondary schools and universities had been strictly limited in accordance with anticipated labour requirements, with rigid quotas for girls and boys in each field. Priority had been given to pupils from workers' families in admission to ordinary secondary schools, while over 60 per cent of pupils had been enrolled in secondary apprentice training centres that supplied the demand for workers. As a result, many gifted pupils had been steered into apprenticeships, and there had been a 30 per cent drop out rate among the 25 per cent of girls admitted to the centres, who had often found themselves assigned to uncongenial fields of study. Only 10 per cent of all pupils had been admitted to university, where the social sciences had not been widely taught.

38. After 1989, secondary school admission procedures had been liberalized to ensure full gender equality, except in fields from which women were barred for reasons of health under the Labour Code, and admissions had been based solely on merit. Many new secondary vocational schools had been established to supply the demand for education in economics, the social sciences, the humanities and business. The household economy schools referred to in paragraph 139 of the report had been set up in response to parental pressure and advice from educational experts and had taught typing, accounting and basic management skills, in addition to traditional subjects. The graduates of such schools had been mainly women, but the education provided had been inferior to that given in normal business schools, leaving them at a disadvantage on the job market. Consequently, many of these experimental schools had been abolished, and the best of them had been merged with business schools under the aegis of the Ministry of Education.

39. The decline in the number of students enrolled in technical courses was a reaction to the earlier system of forced enrolment in what was a very demanding course of study leading to poorly paid jobs. Her Government was aware of the need to strengthen the technology sector and was trying to encourage young people to study in that field. State scholarships were offered to socially disadvantaged or gifted students. Most businesses were not in a position to fund scholarships. With regard to military schools, women could attend such schools and study in all fields, and were eligible for all military ranks.

40. With regard to the study of the Convention in schools, teachers were familiar with its provisions because it had been published in the compilation of laws, and its provisions could be taught as part of the civic education curriculum in primary schools and the history curriculum in secondary schools.

41. The problem of the feminization of teaching and its low remuneration - a common European problem - had started after the First World War and had been exacerbated by the stereotyped perception that women were more suited to teaching than men, and would be satisfied with lower pay. The Ministry of Education had started a project which stressed career development for well-trained teachers, in order to increase their motivation and help them to secure higher salaries; the project had been very well received by teachers.

42. Mr. FUCHS (Czech Republic), replying to questions on equality in the field of employment and economic rights under article 11 of the Convention, said that the prohibition of certain types of work for women, as outlined in paragraphs 151 to 162 of the report, was a form of positive discrimination permitted under article 4 of the Convention and article 29 of the country's Charter of Fundamental Rights and Freedoms. The text of the 1997 Ministry of Health decree (para. 155) defining the nine types of excessively difficult or dangerous work from which all women were barred, and the 42 types barred to pregnant women and recent mothers, would be supplied to the Committee. Pregnant women and women with small children dismissed in violation of section 48 of the Labour Code (para. 152) could seek redress in the courts. In addition, a draft amendment to the Employment Act would ensure better enforcement of the Labour Code and provide penalties for employers who discriminated on the basis of sex. The new Labour Code to be adopted in the year 2000 would be fully compatible with the Convention and other international instruments to which the Czech Republic was a party, including European conventions, especially with regard to women's conditions of employment.

43. Regarding the right of women to social security, the special statutory retirement age for women (para. 147) had been designed to reflect the number of children a woman had had, in recognition of the time spent by women on caring for children. The allowable period of up to four years was pensionable, as it was for men. Women were entitled to a pension once they reached retirement age, but could continue to work; in such cases, their pensions rose by 1 per cent for every 90 days' additional work, and after two years, their pension payments were based on a cost-of-living minimum. If women opted for early retirement, which was available to them two years before the statutory age of retirement provided that they had accumulated 25 years of social security insurance and met certain unemployment conditions, their pension was reduced by 0.6 per cent. The principle of equal pay for equal work, embodied not only in the Convention and in ILO Convention No. 100 but also in the European Social Charter and European Union legislation, was set out in the Constitution and in all wage legislation. In practice, however, women were earning an average of 25 per cent less than men, as they did in other European countries. The Government was trying to improve that situation: a special law drafted by the Ministry of Social Affairs with ILO assistance guaranteed freedom of collective bargaining in all public sector employment, and established very detailed laws guaranteeing equal pay for women and providing court redress in the event of violations. Also, the 1992 general wage laws had just been amended to specify the principle of equal pay for equal work in all fields and to provide means of enforcement.

44. Ms. POLAKOVA (Czech Republic) replying to questions regarding contraception and abortion in relation to article 12 of the Convention, said that, until 1989, contraception had not been the method of choice for women in their family

planning, because only contraceptives with dangerous side-effects had been available. That explained the high incidence of abortion. Since 1989, however, approximately half a million women had begun to use both IUDs and improved hormone contraceptives; currently, one third of women of childbearing age used contraception.

45. The continuing high rate of abortion remained a major concern of the Ministry of Health. The Government did not recommend abortion as an alternative to contraception, nor did it fund abortions. Its public education campaign on the use of contraception had begun to bear fruit. The number of abortions had initially risen in 1986, when the humiliating procedure of having public commissions authorize each abortion had been abolished, but had begun to decline after 1989. In 1993, the abortion rate had declined by 25 per cent over 1992, and that trend was continuing although the pace of the decline had slowed. Health officials were working to minimize the psychological and health risks of abortion. Whereas, in 1990, over 100,000 first trimester abortions, which now accounted for over 80 per cent of all induced abortions, had been carried out, by 1996 the number had dropped to just over 46,000.

46. As to the groups of women who sought abortions, 26 per cent were single women under the age of 24, and 61 per cent were married women aged 25 to 34. Forty per cent of the total were women with one child and their ages generally ranged from 20 to 24. Another 40 per cent were women with two children, mainly aged between 30 and 34, and 20 per cent were women, typically 19 years of age, with no children. A quarter of all abortions were sought for health reasons, but the primary motivation was economic. In 1997, there had been 64 abortions per 100 live births, of which 51 had been induced abortions - mostly first trimester abortions.

47. Available 1997 statistics on pregnant women showed that there had been 1.4 live births per married woman. Unfortunately, the neonatal mortality rate had exceeded that of live births. The average age of marriage had risen from 21 years in 1989 to 25 in 1995.

48. Her Government's emphasis on women's role as mothers, to which Committee members had taken such exception, was a necessary reaction to 50 years of suppression of that role, during which time women had been viewed exclusively as economic beings who were forced to work two shifts. The return to emphasizing family life was seen as a necessary affirmation of a basic principle of society, and she regretted that the Committee saw it as a lack of respect for women. Family-building was, in any case, the responsibility of both men and women.

49. Ms. HEJNA (Czech Republic) assured the Committee that her Government attached great importance to implementing the Convention and would make every effort in its next report to show the progress made.

50. Ms. GONZALEZ observed that, although she would have liked more information in response to her request for employment data, she appreciated the statistics, some of them surprising, which the delegation had been able to supply at short notice.

51. The CHAIRPERSON, speaking in her personal capacity, cautioned that Czech society should not fall into the temptation of urging women to withdraw from the job market in order to cultivate stereotypical family roles. The Convention sought to ensure the rights of women as individuals, independently of their maternal or family role.

52. The Committee awaited the next report of the Czech Republic with interest and hoped that it would contain sufficient gender disaggregated data and a fuller discussion of the difficulties encountered in implementing the Convention. The Government was to be commended for having given international instruments precedence over national legislation and for the success achieved in the transition to democratic governance and a free-market system. The fact that the Czech Republic was soon to join the European Union should give impetus to its efforts to achieve gender equality and combat discrimination against women.

The meeting rose at 6.10 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.373
8 June 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 373rd MEETING

Held at Headquarters, New York,
on Wednesday, 28 January 1998 at 10 a.m.

Chairperson: Ms. KHAN

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined second and third periodic reports of Bulgaria

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3; CEDAW/C/1998/I/CRP.1/Add.1)

1. At the invitation of the Chairperson, Ms. Primatarova (Bulgaria) took a place at the Committee table.

2. Ms. PRIMATAROVA (Bulgaria), introducing the combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3), said that since the submission of its initial report in 1985, Bulgaria had witnessed radical changes in connection with the transition from a communist regime in which there had been total de jure equality to a system in which much more emphasis was placed on the slow achievement of genuine de facto equality. The combined second and third reports contained information dating from the period 1993 to 1994. In her oral presentation she wished to supplement that information with data from 1997. In view of the momentous upheavals that had taken place in her country, it was impossible to speak of continuity in Bulgarian political and social life during the 1990s.

3. In accordance with the new Constitution adopted in 1991, the separation of powers had become a constitutional principle and human rights and fundamental freedoms were constitutionally guaranteed, reflecting the progress made in building democratic institutions.

4. With reference to questions 9, 10 and 11 in the report of the pre-session working group (CEDAW/C/1998/I/CRP.1/Add.1), the present Government, in response to the deterioration in the economy under its predecessor, was committed to comprehensive structural reform and privatization. Measures had been taken to stabilize the exchange rate and inflation and to diversify exports, which were currently oriented towards the countries of the Organisation for Economic Cooperation and Development, the European Union and the Commonwealth of Independent States.

5. With regard to question 5, the decline in the rate of marriage and the increase in the rate of births outside wedlock was an observable trend throughout Europe. In Bulgaria it could be accounted for by the democratization of society and the emergence of more flexible forms of family partnerships. The same phenomena had existed but had not been typical in the communist period. Out-of-wedlock births had not been tolerated by society at large, and had therefore been at a relatively low rate. The rate had significantly increased between 1960 and 1996, but the Government was not overly concerned by the trend, which actually demonstrated that women had become more self-aware and were opting for a lifestyle of their choice rather than one imposed from above by the regime.

6. On question 6, the Ministry of Labour and Social Affairs and the Institute of Demography were elaborating a national population strategy in accordance with

international norms. Regarding questions 7 and 8, infant mortality had in fact stabilized in the 1990s compared with the rate in the 1970s and 1980s. Nevertheless, the figures were still relatively high and could be accounted for by early marriage, early and premature fertility, the high abortion rate, and insufficient knowledge about contraception. In 1995, 10 mothers had died as a result of complications connected with childbirth; there had been 14 deaths in 1996.

7. In Bulgaria the rights of women were considered to be an integral part of human rights. National legislation protecting human rights was based on the principle of equality and non-discrimination, as stipulated in article 6 of the Constitution. All citizens were equal before the law. Under the Penal Code, for example, Bulgarian women did not require the approval of their husbands, fathers or male relatives to go to court, except in cases where common interests were involved. There was equality before the law in the field of employment. Men and women were also protected equally against harm caused by State institutions and public officials. Since 1989 a number of laws containing restrictive provisions with respect to citizens' rights had been repealed or amended in accordance with international human rights standards. Bulgaria had also withdrawn its reservation to article 29, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women. Although there were no special laws on human rights and gender equality, article 5 of the Constitution stipulated that international instruments to which Bulgaria was a party were considered to be part of domestic legislation, and the provisions of the Constitution applied directly. The 1991 Constitution contained a special chapter on the rights of citizens. All international instruments to which Bulgaria was a party had been translated and widely disseminated.

8. With respect to question 15, the Bulgarian Constitutional Court, which operated outside the judicial system, had made no reference to the Convention for the simple reason that no cases of sex-discriminatory court decisions had been laid before it.

9. No temporary measures to achieve actual equality between men and women had been adopted because such equality was protected at the constitutional level. Nevertheless, the Bulgarian Government was fully aware that de jure equality was in itself inadequate to achieve genuine de facto equality.

10. With regard to question 18, specific measures had been taken to enhance the educational background of Romany children and to promote their competitiveness in the labour market. In order to address the high drop-out rate of Romany children, emphasis had been placed on teaching various technical crafts and skills. Preparatory classes had been instituted with a view to improving the children's knowledge of Bulgarian. A number of textbooks had been published in Romany. Teaching aids focusing on the history of Romany culture had been developed. In schools where Romany children were in the majority, extended education in music, arts, crafts and sports had been introduced. Efforts had been made in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to dissuade Romany parents from preventing their children's attendance at school.

11. The Bulgarian Government was fully aware of the need to empower women by incorporating them into the political decision-making process. However, the Committee should take account of the fact that, prior to 1989, there had been no decision-making processes in Bulgarian society owing to the totalitarian nature of the State. The re-education process therefore applied to both sexes in equal measure.

12. Regarding questions 4 and 14, immediately after the Fourth World Conference on Women, an intragovernmental commission had been established. Together with women's non-governmental organizations, the commission had prepared a report reviewing the goals achieved to date and enumerating the issues still pending in the field of equality. A national action plan for the implementation of the Beijing Platform for Action had also been elaborated. In 1996 the Council of Ministers had adopted the National Action Plan and decided to establish a permanent interministerial commission to monitor its application. As an interim measure, the Ministry of Foreign Affairs was acting as the focal point for coordinating all the issues related to the implementation of the commitments stemming from the Beijing Platform for Action. Consideration was also being given to the idea of instituting an ombudsman for human rights.

13. The present Government was firmly committed to implementing the Beijing Platform for Action. An essential ingredient in the process was identifying effective ways to involve men and thereby change the existing power structures and stereotyped gender roles. To that end, the Government had increased the participation of women in the decision-making process and integrated them into certain fields which until recently had been exclusively male preserves, such as the diplomatic service and the higher levels of public administration.

14. In that connection, and with reference to questions 33 to 44, there were now three female ministers out of a total of 17. Women accounted for 18 per cent of the total number of deputy ministers and 61 per cent of the staff and 75 per cent of the total number of heads of department attached to the Council of Ministers. The Bulgarian Minister for Foreign Affairs was female. One of the three deputy foreign ministers was a woman. A number of other senior posts in the Ministry of Foreign Affairs were also held by women. The rate of employment of women in the central divisions of ministries was relatively high, and in some cases women were in the majority. In the judiciary, women accounted for 60 per cent of the staff in district and regional courts and 45.7 per cent of the total number of public prosecutors. Nevertheless, much remained to be done to achieve de facto equality. The percentage of women in Parliament, about 11 per cent, was still unsatisfactory, despite the fact that those women often held prominent and high-profile positions in the various political parties. Under the communist system, the proportion of women in Parliament had been much higher, but since the previous Parliament had been a sham it was meaningless to speak of genuine equality.

15. Nor was the Government satisfied with the continuing traditional division of domestic responsibilities to the detriment of women. Women still performed the majority of household chores. Attitudes and traditional stereotypes needed to be challenged.

16. Despite the generous pregnancy and maternity protection currently in force in Bulgaria, the application of such provisions in practice, especially in the private sector, revealed cases of discrimination. Employers often preferred to fill vacancies with men or very young women who did not have family responsibilities. Additional difficulties in finding a job were posed by demands for very high professional qualifications, which older women could not usually meet. Many older women had not needed such qualifications under the communist regime because job allocation had been quota-based. Meanwhile, the structural reform of the economy had necessitated the closure of a large number of inefficient enterprises, which in turn was impeding the enforcement of the provisions designed to protect women. Nevertheless, the Government was offering training and retraining programmes to unemployed women with a view to enhancing their job opportunities.

17. Regarding question 16, under the Labour Code, a pregnant women or a mother of a child up to three years of age could only be dismissed with the approval of the Labour Inspection Unit. The same applied to wives of servicemen performing mandatory military service.

18. The Bulgarian authorities had taken a strong stand against organized crime, including traffic in women and the exploitation of prostitution. Recent amendments to the Penal Code had tightened up the penalties for those offenses. However, the problem was international in character and required concerted measures at the regional and global level.

19. With reference to questions 19 to 26, the report and the additional information provided by the delegation gave statistics on the victims of the most common forms of violence against women, including murder, attempted murder, severe physical injury, rape, attempted rape, robbery and hooliganism, all of which entailed severe penalties under the Penal Code. Victims of sexual harassment could also initiate criminal or civil court proceedings.

20. Domestic violence was a serious problem. Although any degree of physical injury was a criminal offence, judicial proceedings could be undertaken only if the victim lodged a complaint, and few cases were reported. Furthermore, owing to the policy of the former regime, which had attempted to conceal such practices as inconsistent with the values of the socialist family, Bulgarian society was generally unaware that domestic violence was a serious human rights violation. There was a need for consciousness-raising at the grass-roots level through non-governmental organizations (NGOs) and the mass media. The Ministry of Foreign Affairs, in cooperation with the Council of Europe, had held a seminar on domestic violence at Sofia in November 1997, and Parliament was considering draft legislation which would criminalize domestic violence against children, including girls.

21. With regard to article 9 of the Convention, she noted that Bulgaria had signed the European Convention on Nationality in January 1998.

22. In response to questions 45 to 51, she said that education at all levels was provided free of charge although tuition fees had been introduced for students enrolled without admission examinations. Private schools and colleges charged tuition. Bulgaria had 62 private schools, with a total enrolment of

5,874 students in 1996/1997. In September 1997, women had accounted for over 60 per cent of the students at higher education institutions, where 5,792 of the 12,058 teachers and 243 of the 423 administrators were women. Since Romany women had the same right to an education as other Bulgarians, no breakdown of the statistics on Bulgarian women's educational and professional achievements by ethnic and religious origin was available.

23. In reply to questions 52 to 67, she said that women had accounted for approximately 47 cent cent of the workforce between 1990 and 1995, largely in the main branches of the State-controlled sector in the major cities. Unemployment was a major problem. Women had constituted 53.5 per cent of the total unemployed population in the first half of 1997. The Government hoped that its privatization programme would reduce unemployment for both men and women in the medium and long term.

24. With regard to question 56, the last sentence in paragraph 92 of the report should read "This leave time is considered as length of service" rather than "This leave time also depends on length of service".

25. In reply to questions 54 and 57, she said that mothers received compensation equivalent to the minimum wage during their additional maternity leave. No specific legislation on that issue had been adopted, and there was no statistical data on the number of men and women who benefited from paid child-care leave.

26. In reply to question 55, she said that there were 3,713 kindergartens, including 3,020 day care centres, in Bulgaria.

27. The health care system was undergoing reform with a view to improving its effectiveness and ensuring no-cost health care within the limitations of the restrictive fiscal policy. Legislation was pending on health insurance.

28. In reply to question 12, she said that the Government's land privatization programme, which was part of its agrarian reform, was under way, but the process of land restitution had not been completed. Credit was available for agricultural products which were priorities under the national agricultural programme. The Government hoped that agricultural reform would also improve the situation of rural women.

29. In reply to question 84, she said that there were no legal provisions regulating the rights and responsibilities of men and women who lived together but were not legally married.

30. In closing, she assured the Committee of her Government's commitment to full implementation of the Convention and its readiness to cooperate with the Committee.

31. Ms. ACAR said that the Government of Bulgaria had made great progress in the promotion of human rights and democratization and she hoped that there would be a corresponding improvement in the status of women. As the delegation had noted, gender equality and women's participation at all levels of society were necessary prerequisites for democracy.

32. The de facto inequality of women, which the Government had acknowledged, called for special measures, including targeted legislation and the implementation thereof, if gender equality was not to be lost in the complex issues of democratization, human rights and development. Experience had shown that a delay in the establishment of measures to counter gender discrimination during periods of crisis and change could only lead to greater problems in the future and that it was essential for countries in transition to give priority to the creation of national machinery for the implementation, coordination and monitoring of legal provisions for the advancement of women.

33. Ms. CORTI said that the Government clearly attached great importance to the Convention, and she hoped that the constructive dialogue between the Committee and the delegation would help to improve the situation of Bulgarian women during the current crisis. Any change from one system of government to another was traumatic, and women were usually the greatest victims. The delegation's statement had shown that there had been progress in the economic and employment status of women since the preparation of the report and she hoped that that process would continue.

34. While she was pleased that Bulgaria had withdrawn its reservation to article 29 of the Convention, it was unfortunate that neither the report nor the delegation's statement had included a description of government strategies to address women's issues and implement the Convention and that some of the questions raised in the report of the pre-session working group had been left unanswered. Specifically, she asked whether ratification of the Convention had been published in an official gazette and whether its provisions had been fully incorporated into domestic law. She also wondered what the Government was doing to combat the growing problem of poverty, particularly among women.

35. While the increase in the number of women in decision-making bodies was encouraging, the percentage remained low given the large numbers of highly-qualified Bulgarian women. She wondered how the various political parties were addressing the issue.

36. With regard to the question of violence against women, domestic violence was a sensitive issue in many European countries with conservative traditions. It was important to persuade women to report such violence and to adopt effective legislation to combat it. The requirement that victims must report domestic violence before the courts could take action was unsatisfactory.

37. With regard to article 6, she emphasized the need for international cooperation to eliminate trafficking in women.

38. With respect to article 12, she wondered why women were still using abortion as a means of contraception and what the Government was doing to provide family planning services and education. Furthermore, the privatization of hospitals could lead to problems, particularly in rural areas. She requested further information on the Government's health policy and stressed the importance of women's participation in decisions on health-related matters.

39. Ms. HARTONO said that she was disturbed by the delegation's statement that the Government considered the decline in the marriage rate and the increase in

out-of-wedlock births to be a sign of greater self-awareness and self-determination on the part of women. That statement raised a question of principle which both States parties and the Committee should consider. The purpose of eliminating discrimination against women was not to encourage a loss of morals, values and ideals or to promote promiscuity, but rather to improve the status and quality of life, not only of women, but of all members of society.

40. Ms. OUEDRAOGO expressed surprise at the persistence of negative stereotypes of women despite the impressive gains which Bulgarian women had made in education. The Government should sponsor educational campaigns using such vehicles as popular music and theatre with a view to changing those stereotypes.

41. Given the importance of the family as the basic unit of society, a national debate should be launched on the serious problem of out-of-wedlock births and special temporary measures should be taken to address the problem. Despite the Government's efforts, the situation of rural women also remained critical. She wondered whether any studies had been undertaken on women entrepreneurs. The establishment of small and medium-sized enterprises might be one way of tapping the relatively large pool of university-educated women while at the same time reducing the high unemployment level among women.

42. Ms. SCHÖPP-SCHILLING expressed concern that the Government might be placing too much reliance on the institutions of Bulgaria's socialist past as the framework for guaranteeing formal equality for women, to the detriment of de facto equality. It was essential to look very carefully at the current process of economic and social transformation with a view to eliminating structural discrimination against women, which was manifested in such realities as the segregation of the labour market.

43. She would welcome additional information on the Inter-Ministerial Commission which had been established to monitor the implementation of the Beijing Platform for Action, and in particular whether it could be considered as the national machinery for promoting women's rights, whether there were plans for its enlargement, what its rules of procedure and budgetary resources were and whether it coordinated the activities of the various ministries. The Government might wish to avail itself of the experience which other European States had had with the establishment of similar national machinery.

44. The Committee would also welcome additional information on the National Action Plan, including an English translation of the text, and on the number of women in the various ministries who had participated in its preparation. It might also be possible to obtain funding from the European Union for the training of those persons responsible for the implementation of the Plan.

45. Article 4 provided for the adoption of temporary special measures to accelerate women's equality. Given the current situation of women in Bulgaria, it might be necessary to temporarily undermine formal equality in order to ensure de facto equality between men and women, including through the establishment of "opportunity offices" for women at the regional and community levels.

46. Equally disturbing was the situation of older women in Bulgaria, about whom very little information had been provided. Pensions appeared to be inadequate and poverty among that group was a serious problem. The Government should therefore take urgent steps to remedy the situation.

47. On the subject of births outside of wedlock, she wondered whether the mothers were single women, or unmarried but cohabiting women, and whether the high incidence of such births might not be due to the special allowances which they attracted. The problem might therefore be one of poverty rather than morality.

48. Ms. GONZÁLEZ expressed the hope that the trend towards increased participation by women in the drafting of gender-related legislation and policies would continue. She was, however, very disturbed by reports about the situation of the Romany population, in particular the children, more than half of whom did not attend school. The failure to secure an education would further increase the vulnerability of an already disadvantaged sector of society.

49. The report contained little information on the way in which the society as a whole responded to the problem of domestic violence. The Government could contribute to a solution through campaigns to create greater awareness of a problem that undermined the family unit, which was the very foundation of society. A related problem was that of paedophilia, which was the scourge of societies throughout the world. She would welcome information on the incidence of that phenomenon in Bulgaria as well as on the extent to which drug addiction, particularly among women and youth, was a problem in the country.

50. The situation of rural women appeared to be one of hardship. It would be interesting to learn whether, as a result of the agrarian reform programme, women could now own land or whether they continued to be merely a source of labour.

51. Ms. FERRER noted that, pending the appointment of a new head of the Inter-Ministerial Commission, the Ministry of Foreign Affairs was serving as the focal point for the coordination of all issues related to the implementation of the Beijing Platform for Action in Bulgaria. She wondered whether that Commission would eventually develop into a national mechanism for the promotion of equality or whether some other mechanism was envisaged.

52. The situation of poverty, which was a feature of the transition to a market economy, was a source of concern to the Committee, particularly since it affected the most vulnerable sectors of society, including women. She would therefore welcome information on any poverty-alleviation programmes that were targeted at women, who were often single mothers and heads of households.

53. She wished to know why more women had not enrolled in the qualification and requalification courses organized for the unemployed. She also requested information on the Government's efforts to improve the standard of living of women in rural areas. Lastly, she asked if special programmes were being established to change patterns of behaviour that placed women in a subordinate position.

54. Ms. RYEL said that she was pleased that an ombudsman for human rights would be appointed. However, the ombudsman had to be provided with funding and personnel, supported by political will at the highest levels of government and given a clear mandate to promote gender equality. In that connection, legislation on gender equality and temporary affirmative action measures were also needed. While grass-roots and mass-media awareness campaigns to combat domestic violence were commendable, legislation should be adopted and free legal aid should be provided for women victims of domestic violence.

55. Ms. AOUIJ said that while she was pleased to hear that three ministers and a significant number of vice-ministers in the Bulgarian Government were women, she was concerned by the lack of national machinery for the advancement of women and the promotion of a gender perspective. She hoped that the Government would take measures to combat the exploitation and trafficking of women and domestic violence, and she requested more detailed information on those issues in the next report.

56. Ms. BUSTELO GARCIA DEL REAL said that although focusing on law enforcement to combat prostitution and trafficking in women was essential, it was also necessary to take preventive measures to eliminate the root causes. She requested additional information on whether the Government or non-governmental organizations planned to encourage entrepreneurship, and, in particular, if they provided credit for women.

57. Ms. JAVATE DE DIOS said that she was concerned by the lack of a gender equality law but that the appointment of an ombudsman for human rights would be a step in the right direction. The figures for violent crimes committed against women and for prostitution were unacceptably high. She wished to know what percentage of abortions were performed because the pregnancies were the result of rape. She was disappointed that no national plan of action or legislation to combat violence against women had been established and suggested that services for victims and prevention in the form of education should be provided. She hoped that the Government would take action immediately to address Bulgaria's social and economic problems, and thereby eliminate violence against women and create an environment that favoured the free exercise of their rights.

58. Ms. ESTRADA CASTILLO said that the report did not reflect a gender perspective. For example, she did not understand why the feminization of professions should lead to a reduction in their prestige, as mentioned in paragraph 30 of the report (CEDAW/C/BRG/2-3). She also wished to know why the Constitution did not clearly state that men and women were equal before the law. Lastly, she requested additional information on the number of men sentenced for committing violent crimes against women and asked whether there were services for the victims of those crimes.

The meeting rose at 1 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.374
10 June 1998

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 374th MEETING

Held at Headquarters, New York,
on Wednesday, 28 January 1998 at 3 p.m.

Chairperson: Ms. KHAN

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98-80142 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined second and third periodic reports of Bulgaria (continued) (CEDAW/C/BGR/2-3)

1. At the invitation of the Chairperson, Ms. Primatarova (Bulgaria) took a place at the Committee table.

2. Ms. LIN Shangzhen reiterated the view of other members that the Bulgarian Government must set up a body to deal exclusively with women's issues: women, being more vulnerable generally and hardest hit by the difficulties inherent in a period of transition, needed special protection. Neither the Permanent Intergovernmental Council for the implementation of the National Action Plan nor the Foreign Ministry, acting as focal point, could give due attention to all aspects of the issue of gender equality; nor could the projected office of human rights Ombudsman. She hoped, furthermore, that the Government would, beyond simply protecting women's rights, take affirmative action under article 4, paragraph 1, to help women achieve equality.

3. Ms. PRIMATAROVA (Bulgaria), thanking the Committee for its constructive remarks and its interest in her country's situation, observed that members would find many of the answers to the impressive number of questions they had raised, which could not now be dealt with fully, in four documents that would be made available to them. The 1996 National Action Plan drawn up in conjunction with the United Nations Development Programme (UNDP) by the National Council on Social and Demographic Issues, recently renamed the National Council on Ethnic and Demographic Issues, gave special attention to the Roma, and a governmental report of February 1997 also provided considerable information on the education and status of the Roma and set out a programme, developed with the assistance of United Nations specialized agencies, to solve their problems. Bulgaria was working to integrate that ethnic group into society and would be cooperating with the European Union on that score, for the success of its European candidacy had been made contingent upon such efforts. Lastly, her Government's 1997 reports to the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination also contained a considerable amount of information relevant to the concerns of Committee members.

4. Replying to questions raised at the 373rd meeting, she said that the bill establishing a post of human rights Ombudsman would be the subject of two forthcoming seminars: a meeting of Council of Europe Ombudsmen and a UNDP workshop. Her Government was aware of the need to give a clear mandate as to how to approach gender issues. As for the establishment of special machinery for women, the National Action Plan had set up an intergovernmental agency for that purpose, chaired by the Minister for Social Welfare. That Minister was a man, but the hope was to involve women in running the agency, which was why the Ministry of Foreign Affairs, in which several women held senior posts, had been named the focal point. It should be noted that the reform of the Government, a priority for Bulgaria's accession to the European Union, was still in progress.

Two bills, on general administrative reform and civil service reform, were before Parliament; such legislation would help to find a proper place for the national machinery for women.

5. Some affirmative action had already been taken for women: the retirement age for women had been set at 55 years - in compensation for the double burden of family responsibilities and employment that women normally carried - as against 60 years for men, although both ages would have to be raised for European Union accession. Affirmative action in some fields needed careful preparation, so as not to jeopardize the major gains already achieved by women in certain others, such as the judiciary, where they were in fact over-represented. As for the need for affirmative action in employment, it should be clarified that the figure of 500,000 unemployed persons included both sexes, and that women had actually fared better: in 1996, 258,000 men had been unemployed as against 232,000 women. The painful transition to a market economy, entailing the closing of State enterprises, had been a hardship for everyone in the country, but there had been no discrimination against women in particular.

6. She had no statistics on violence against women, traffic in women, prostitution or paedophilia, but she could assure the Committee that the latter was not an acute problem in Bulgaria. All those phenomena were new ones, caused by the difficulties of transition; they also had an international and regional dimension, which meant that action to combat them must be taken jointly with other countries. Bulgaria had made such action a priority, and was already cooperating in efforts in the south-east European region to combat organized crime, patterned on similar cooperative efforts in the Baltic region. Those efforts had already been successful in exposing international crime rings. In addition, by way of domestic action, the Ministry of the Interior, the Ministry of Justice and Parliament each had a working group that was investigating citizens' complaints of violence against women. On all those issues, the Government was aware of the need to conduct information campaigns, in conjunction with non-governmental organizations and the media, to raise public awareness; such action was, perhaps, more of a necessity than new legislation. The Government was committed, above all, to preventive action.

7. Regarding health policy, Bulgaria was cooperating closely with other countries and the European Union on the questions of abortion and contraception, particularly in the context of the family planning programme referred to in paragraph 122 of the report, which was to be a major programme with funding of 200,000 European currency units (ECUs). The Government had, in addition, introduced a new public health system, providing free care in regional institutions. The system was transitional, and would be restructured after two years.

8. The elderly, especially elderly women, had indeed been hard hit financially by the economic reforms, and programmes of financial support had been set up specifically for all those who had been thus impoverished.

9. Although for technical reasons the Convention had not been published in Bulgaria, the Supreme Court had recently ruled that that had not affected its enforcement. The Convention had, at any rate, been translated and publicized.

10. Transitional problems, such as unemployment and poverty, were currently very severe in Bulgaria because of the abnormal macroeconomic situation - the inflation rate in the past year had been 560 per cent - and the harsh economic restrictions that had resulted. The proposed budget for 1998, however, aimed to reduce inflation to 16.8 per cent, which should help the overall situation. She assured the Committee that all its questions would eventually be answered in detail; she herself would convey them and the Committee's recommendations to the Council of Ministers.

11. The CHAIRPERSON commended the Bulgarian representative for her helpful introductory statement and her replies clarifying the situation in her country. The ratification of most of the international instruments relating to women was welcome, as were the incorporation of the Convention into domestic law and the withdrawal of Bulgaria's reservation to the Convention. The possibility of allowing the Convention to be invoked in court should also be considered.

12. The fact that some women occupied senior positions did not obviate the need to attend to the plight of more vulnerable women, especially those who were among the 80 per cent of Bulgarians apparently living below the poverty line. Furthermore, violence against women and prostitution were not simply regional problems; they were a matter of law enforcement and also a structural problem of Bulgarian society. Since the Government seemed to be aware of those problems, it should use affirmative action in such areas as employment and poverty alleviation in order to combat them and to ensure women's de facto equality. She hoped that the next report would show that those issues had been addressed.

13. Ms. Primatarova (Bulgaria) withdrew.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION (continued)

14. Ms. RYEL reported on an expert group meeting sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO) from 24 to 28 September 1997 in Oslo, Norway, on "Male roles and masculinities in the perspective of a culture of peace". The meeting had brought together peace and gender researchers and activists to examine gender-related factors that hindered the development of a culture of peace. The experts had recommended, inter alia, support for community-based programmes among men and boys to prevent violence against women; the compilation by UNESCO of an international directory of resources and men's organizations working to end violence against women; and the development of curriculum resources and textbooks depicting non-violent, non-aggressive behaviour by men. They had also urged the adoption of State-sponsored paternity leave, in addition to maternity leave, and encouraged Governments, business and unions to develop family-friendly forms of working life, including training programmes to end workplace sexual harassment. While it was mainly men and male researchers who had participated in the meeting, their recommendations were important for women because men's roles were central to gender equality.

15. Ms. OUEDRAOGO reported on a meeting of experts on the rights of adolescent girls, held in Addis Ababa, Ethiopia, from 13 to 17 October 1997 and organized jointly by the Division for the Advancement of Women, the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA) and the

Economic Commission for Africa. The meeting had been devoted to three themes: the creation of a favourable environment for the emancipation of teenage girls; the special need for social protection of adolescent girls; and teenage health, including sexual and reproductive health. It had concluded that all States should ratify both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, that customary law should be brought into line with international treaties and that greater qualitative and quantitative information was needed on adolescent girls and the factors which affected their rights in society. The meeting had also recommended that specific programmes should be developed for adolescent girls, to protect and promote their well-being and enhance their capabilities.

16. Mr. AMOR (Special Rapporteur of the Commission on Human Rights on religious intolerance) said that, in fulfilling his mandate, he often had to address issues of women's status and position as they related to religion. Very frequently, the argument that women's status was a function of a country's specific situation or culture was a comfortable alibi for preserving intolerable situations that limited women's humanity and relegated them to an inferior status.

17. States' reservations to certain international instruments on the status of women could not be explained by cultural considerations alone, however, especially when cultures were not immutable. The status of women in certain religions must be analysed in a dynamic way. He had been shocked by the official attitude in some States towards women, but sometimes it was society, not the State, which was responsible for discrimination against women. Discrimination could not be ended unless attitudes changed, which meant that non-governmental organizations, the family, schools and religious authorities must all work to eliminate discrimination. Unfortunately, schools did not play their role fully. In a recent survey of school textbooks, he had found that the image of women presented to school children was appalling. It was time to make schools contribute more actively to the emergence of a culture of human rights and non-discrimination against women. Although international law was relatively well developed in that regard, reality had not yet caught up with the law. A change of mentality was required, and the law provided only the initial impetus for such change.

18. The special rapporteurs and representatives of the Commission on Human Rights tried to coordinate their activities as much as possible, in order to ensure that, in implementing their mandates, they focused special attention on anything that might contribute, even modestly, to improving the status of women and stamping out discrimination against them.

19. Ms. AOUIJ said that the Special Rapporteur's statement went right to the heart of the matter. The dialogue fostered by the Committee would strengthen cooperation and coordination among all relevant United Nations bodies and non-governmental organizations, heighten the international community's awareness of gender-specific issues and lay bare the extent to which women were discriminated against worldwide.

20. The Special Rapporteur's mandate was to combat hatred, intolerance and acts of violence based on religious extremism and to bring people closer together

through a culture of openness and acceptance; the current wave of discrimination suffered by women in many countries was linked to religion, and violence against women was often committed in the name of religion or religious culture. Not only must such violence cease, but it must be prevented through an international strategy that put pressure on all States to halt crimes against women and violations of women's fundamental rights. A proper understanding of religion could contribute to the advancement of nations or peoples; religion should never be used as an alibi for underdevelopment and obscurantism.

21. Ms. CORTI agreed that cultural or religious specificity was sometimes invoked as an excuse for violence against women. It was indeed scandalous that, at the end of the twentieth century, religion and culture were still being used to keep women in the background. A new, modern culture would be needed in the next century to promote peace and equality between men and women. She agreed fully with the Special Rapporteur that schools should promote a new human rights culture. The Committee was seriously concerned about the large number of States that had entered reservations to the Convention on grounds of religion. States would make far more progress in the area of human rights and gender equality if there were no reservations, especially reservations to those articles which were the very foundation of the Convention. In implementing his mandate, the Special Rapporteur should therefore prevail upon States parties to withdraw such reservations.

22. Ms. ABAKA said that the issue of religious intolerance had significant implications in the medical field. Although, in many States, freedom of religion was enshrined in the Constitution, religious intolerance sometimes threatened the basic right to life itself, for example, in the case of religions which denied women the right to receive blood transfusions. Sometimes, when Governments did intervene it was too late. It would be interesting to know how many women had lost their lives because of such forms of religious intolerance.

23. Ms. GONZALEZ said that information should be gathered about various sects in the United States of America which were violating human rights, especially the rights of women and children. Such sects, which often described themselves as churches, committed atrocities against human dignity under cover of freedom of belief and religion.

24. Ms. JAVATE DE DIOS observed that the Committee had never really tried to establish a linkage between women and religious intolerance, although religion often affected the lives of women and girls from birth to marriage and beyond, and even their control over their own bodies and reproductive functions. Religion had been used over and over again to reinforce social attitudes and practices that marginalized women and confined them to second class status in society. The reports of States parties showed that religion and culture were the ideological underpinning for many practices which were harmful to women, and those were areas in which States often seemed to be quite resistant.

25. The work carried out by the Special Rapporteur was very important to the Committee; she requested further information on the Special Rapporteur's survey and recommendations. She asked whether the Special Rapporteur had considered using a gender perspective in analysing the major religions of the world, for example, on the issue of women's exclusion from decision-making and consignment

to a lower status within religious hierarchies. Another relevant issue was respect for indigenous belief systems and religions, since women in many societies adhered to indigenous belief systems which were not recognized by other, institutionally based religions.

26. The CHAIRPERSON pointed out that two reports by the Special Rapporteur, contained in documents A/52/477 and Add.1, were available to the Committee.

27. Mr. AMOR (Special Rapporteur of the Commission on Human Rights on religious intolerance) said that it was not possible to claim to believe in human rights while excluding half of humanity - mothers, sisters and daughters - from those rights. The situation of women must always be scrutinized, since religious considerations were often invoked to justify discrimination against them. In his next report to the Commission on Human Rights, he would formally request the Commission to undertake special studies on the status of women from the standpoint of religion. It was urgent to look into the relationship between religion and women, especially since international human rights instruments were often weakened by the reservations and declarations made at the time of their adoption.

28. There was often a tendency to confuse religion with religious practice and to judge religions by their practices, rather than practices by their religions. It must be borne in mind that not everything that was done in the name of religion corresponded to the teachings of the religion concerned; for example, a religion which was followed faithfully in one country might be a vehicle for obscurantism and oppression of women in another.

29. Freedom of belief was fundamental; no one had the right to impose a belief on others. The freedom to believe, or not to believe, was absolute and could not be restricted, except for the sake of law and order in certain very specific and extremely limited circumstances. Freedom of religion could not be called into question just because some people chose to misuse it. There was also a tendency to confuse religions and sects; there were many kinds of sects, and some of them consisted of very pious people who simply wished to live in their own way, while some religions, ancient or less ancient, tended to restrict freedoms and degenerate into obscurantism. The distinction between freedom of belief and freedom to manifest one's belief must always be borne in mind. There was also the question of how far freedom of belief could go. The right to life was primordial, so that, for example, refusal to allow blood transfusions was a serious violation of human rights; when two rights conflicted, the right to life must prevail.

30. The CHAIRPERSON said that the Committee's main objective was to establish equality, especially equality for women. Peace, understanding and stability were needed to create an environment of equality. Religious intolerance made women vulnerable; their lives, and the lives of their children, could be endangered, and sometimes they became virtual prisoners of society. Culture and religion were intertwined and it was they, rather than any inequality in law, that often caused women to be deprived of their basic rights.

31. There was a pattern of reservations to the Convention on religious grounds, particularly to articles 2 and 16, both of which were of critical importance.

Such reservations often overlooked the fundamental message of religion, and there was considerable inconsistency among the various States making reservations in the name of the same religion. She agreed that education in religious tolerance was the only solution. The Committee had already decided that its contribution to the fiftieth anniversary of the Universal Declaration of Human Rights would be a statement about reservations, particularly in the context of article 2 of the Convention. She agreed that there was a need to place more emphasis on ways of tackling situations of religious intolerance. An environment of religious tolerance was needed, and that would also contribute to the implementation of the Convention and the elimination of discrimination against women.

The meeting rose at 5 p.m.